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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO

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4

5 UNITED STATES OF AMERICA

6 Plaintiff,

7 -vs- NO: CR 05-1849 JH

8 DAVID REID, GEORGE OSGOOD,
9 GREG HILL, DENNIS WILSON, et al.,

10 Defendants.

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15 TRANSCRIPT OF PROCEEDINGS

16 James Hearing

17 April 1, 2009

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24 BEFORE: HONORABLE JUDITH C. HERRERA
25 UNITED STATES DISTRICT JUDGE

PAUL BACA, OFFICIAL COURT REPORTER

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1 Defendants Greg Hill and George Osgood appeared
2 in person.

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1 (Court in session at 9:37 a.m.)

2 THE COURT: Please be seated. Good
3 morning. We are on the record in USA vs Reid,
4 Osgood, Hill and Wilson. That's CR-05-1849. Good
5 morning.

6 MR. BRAUN: Good morning, Your Honor.

7 James Braun and Steve Kotz on behalf of the United
8 States, along with DEA Special Agent Rich Stark and
9 Diana Contreras, who is a paralegal in our office.

10 MR. NASH: Good morning, Your Honor.

11 Walter Nash appearing on behalf of David Reid. With
12 the Court's advance permission, Mr. Reid is not
13 present, and I will waive his appearance at this
14 hearing.

15 THE COURT: Thank you.

16 MS. SIRIGNANO: Good morning, Your Honor.
17 Amy Sirignano on behalf of Mr. Osgood, who is
18 present and in custody today.

19 MR. DAVIDSON: Your Honor, Scott Davidson
20 also on behalf of Mr. Osgood.

21 MR. GORENCE: Good morning, Your Honor.

22 Robert Gorence on behalf of Dennis Wilson. And I
23 have waived and the Court has waived his presence.

24 THE COURT: Thank you, Mr. Gorence.

25 MR. BLACKBURN: Good morning, Your Honor.

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1 Billy Blackburn and Paul Linnenburger on behalf of
2 Greg Hill, who is present, Your Honor.

3 THE COURT: All right. We're here this
4 morning on our James hearing. Let me mention the
5 only scheduling twist we have today is I have
6 another matter I need to attend to at about 11:30.
7 So we'll break around 11:30 in this matter.

8 And I have no other matters that I need to
9 attend to, other than that one. So any time spent
10 this afternoon is all yours.

11 Mr. Gorence, do you have something to say?

12 MR. GORENCE: I do. Preliminary, Your
13 Honor, the government and Mr. Wilson have reached an
14 agreement to resolve this case. I anticipate a plea
15 actually being taken as we finish the paperwork next
16 week.

17 Given that, I would withdraw the James
18 motion filed on behalf of Mr. Wilson and ask to be
19 excused.

20 THE COURT: All right. Any comment?

21 MR. BRAUN: That is accurate. We have
22 reached an agreement, and we have no objection to
23 withdrawal of the motion.

24 THE COURT: All right. Well, I note that
25 your objection -- or that your motion is withdrawn,

1 and you may be excused.

2 MR. GORENCE: Thank you, Your Honor.

3 THE COURT: Thank you, Mr. Gorence.

4 Are we ready to proceed?

5 MR. BRAUN: Yes, Your Honor. I'm not sure
6 if the Court wanted to talk about how we're going to
7 proceed first.

8 THE COURT: All right.

9 MR. BRAUN: I think the United States'
10 position is clearly stated in its memorandum
11 regarding the James hearing that was filed in late
12 December. And then Mr. Nash, on behalf of Defendant
13 Reid, filed his memorandum on March 30th.

14 And I think the parties are in agreement
15 about how we're going to proceed this morning, which
16 is just that the United States will put on the
17 summary testimony of Special Agent Rich Stark to
18 establish the foundational predicate that a
19 conspiracy did exist and that these defendants were
20 members of that conspiracy.

21 And then we can deal with the
22 admissibility of specific statements either at trial
23 or closer to trial.

24 THE COURT: All right. Is there any
25 comment on that?

1 MR. BLACKBURN: If I may, Your Honor,

2 Billy Blackburn on behalf of Mr. Hill.

3 THE COURT: Yes, Mr. Blackburn.

4 MR. BLACKBURN: I guess while I was out of
5 town there were some communications -- I was out of
6 town last week -- some communications about the
7 procedures for this hearing today.

8 I agree with the initial memorandum that
9 was filed on behalf of Mr. Hill and the predicate
10 cases that was initially supplied by Mr. Hill. And
11 the government outlines, you know, obviously all of
12 the cases running from James and Owens and Anderson
13 and Bourjaily and how the matter should be
14 conducted.

15 I was under the assumption -- but I agreed
16 with counsel and with Mr. Braun this morning. I
17 thought we with going to do the whole -- I guess,
18 with all due respect, the whole enchilada; that we
19 would establish the conspiracy, which is one, and
20 then the determination of each and every
21 co-conspirator hearsay statement that would be
22 introduced if the matter was to go to trial.

23 However, I have no objection to basically
24 doing the establishment of the conspiracy as
25 Mr. Braun has outlined today, as long as prior to

1 trial -- and I can understand the dynamics of that.
2 Because obviously, as we continue to get
3 de facto severances as each new defendant or as each
4 defendant sort of drops out as we get ready to go to
5 trial, assuming that there was going to be a trial
6 amongst those individuals, different co-conspirator
7 hearsay statements would be effective because that
8 person may testify, for one. Or the government
9 would pare its case down, obviously, as to those
10 individuals.

11 And therefore, what we would maybe do
12 today, if we're going to do 250 or 260 statements,
13 may not be what the government would do, you know,
14 if we're going to go to trial on this case, which is
15 two or three or maybe one defendant, under the
16 circumstances.

17 And not knowing what each of the
18 cooperating witnesses would say specifically as to
19 each co-conspirator hearsay statement may be
20 addressed prior to trial, as opposed to today. And
21 I agree with that method.

22 I just want to let the Court know that as
23 long as -- of course, depending upon who stands at
24 trial. But if we know that there's only going to be
25 one or two at trial, my purpose would be obviously

1 not to have us drudge through each and every
2 co-conspirator hearsay statement during trial, but
3 to have some type of like second preview for the
4 Court to rule on shortly before trial. So I just
5 wanted to make that for the record.

6 But I understand the process we're doing
7 today. And I think, with all due respect, it's
8 probably the most efficient.

9 THE COURT: All right.

10 MR. BLACKBURN: Does that make sense?

11 THE COURT: I think it makes sense, so
12 that's the way we'll proceed. And if, of course,
13 there are any specific issues that you would like to
14 address at pretrial, I'll expect you to file
15 something to alert the Court to that.

16 Yes, Ms. Sirignano.

17 MS. SIRIGNANO: Your Honor, if I may for
18 just a moment, I just need to get some clarification
19 on exactly what we're doing. And I must apologize
20 because I've recently come on this case, and I
21 haven't really had an opportunity to go through the
22 entire 80,000 pages of discovery or the 10,000 phone
23 calls. So I'm really trying to just narrow my focus
24 to what the evidence is against Mr. Osgood.

25 And so I just need to have some

1 familiarity on how we're going to do this today.

2 Are you planning on presenting specific
3 statements against Mr. Osgood today?

4 MR. BRAUN: No. Essentially what I'm
5 going to do, Your Honor, is just have Agent Stark
6 testify summarily about his investigation, his
7 interview of certain cooperating defendant witnesses
8 and what those cooperating defendant witnesses would
9 say were their specific dealings with some of these
10 defendants, their first-hand observations of those
11 defendants.

12 There may be a few co-conspirator
13 statements sprinkled in there, but the bulk of the
14 evidence is independent of co-conspirator
15 statements.

16 MS. SIRIGNANO: Okay. And with that
17 knowledge, Judge, I just wanted to make a record
18 here. And I'm doing this -- I haven't had an
19 opportunity to prepare a motion or to research any
20 case law.

21 I was provided with a CW statement last
22 night at 4:00 which is very damning against my
23 client. And Mr. Braun and I talked yesterday. And
24 I assume that Agent Stark is going to testify about
25 this statement today because he provided it to me,

1 he said, as early Jenks. Okay?

2 And so I can hold this objection until the
3 time comes when Agent Starks testifies, or I can
4 raise my objection with the Court now as to whether
5 or not it's Jenks, whether or not it's Rule 16.

6 I believe there's other statements out
7 there that could be possibly Brady statements,
8 exculpatory statements that the government has not
9 turned over that could be exculpatory to my client.
10 And so I just wanted to lay a record and a
11 foundation. And I can always revisit this down the
12 road, once Agent Starks testifies.

13 THE COURT: All right. Any comment?

14 MR. BRAUN: Your Honor, yes, I would like
15 to comment on this.

16 Essentially during the course of the
17 investigation into Defendant Osgood's whereabouts --
18 you know, he was a fugitive for several years after
19 the indictment in this case -- the Marshals came
20 across a witness named J.D. LaMonte who was in
21 custody in New York. They interviewed him regarding
22 his knowledge of Osgood and his whereabouts.

23 He told them that Osgood might be using a
24 false name, the name, I think, James Deiner. They
25 subsequently did find the defendant Osgood using

1 that name.

2 Subsequently, Agent Stark and I went out
3 and interviewed this witness in early February.

4 Agent Stark prepared a report of that interview,
5 which is not subject to discovery. Rule 16
6 specifically excludes agent reports as discovery.

7 And to the extent that it is a statement of Agent
8 Stark, it would be Jenks Act after he testified at
9 trial.

10 Now, I received that report from Agent
11 Stark about ten days ago, the Friday before last.
12 And as a courtesy, I provided it to the defense last
13 night so she would have it in advance of this
14 hearing. The Jenks Act requires disclosure after a
15 witness testifies at trial.

16 Rule 26.2 extends the Jenks Act to other
17 types of hearings and specifically lists suppression
18 hearings, sentencings and other types of hearings.
19 It does not list a James hearing, so it's not even
20 Jenks Act as to this hearing. It's provided only as
21 a courtesy.

22 There is no basis for an objection. This
23 is evidence that we will use at trial. This hearing
24 today is simply evidentiary. It's not a substantive
25 hearing. It's simply to establish an evidentiary

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1 predicate to the introduction of co-conspirator
2 statements.

3 There's no basis for an objection to the
4 introduction of testimony about this potential
5 testimony today.

6 THE COURT: All right. Thank you,
7 Mr. Braun.

8 MS. SIRIGNANO: And Your Honor, if I may,
9 Assistant United States Attorney James Braun did
10 just state that we will use this at trial. And
11 Rule 16 clearly provides -- 16(e)(1) -- that upon
12 the defendant's request, the government must permit
13 the defendant to inspect documents that the
14 government intends to use in its case in chief at
15 trial.

16 And I really do need to do a motion and
17 brief this for the Court. Mr. Braun is entitled to
18 his position that this is solely Jenks and it is not
19 discoverable under Rule 16(g)(2).

20 But the defense' position is that this is
21 something they're going to use at trial. This is an
22 item that's material in preparing the defense. And
23 these late disclosures -- he's known for months now
24 that we've had this hearing set, and the interview
25 happened in February. And I was told about this

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1 statement when I saw Mr. Braun and Agent Stark in
2 the US Attorney's office nearly three weeks ago.

3 And so I just want to lay a record that
4 he's entitled to his opinion that it's just simply
5 Jenks. I believe it's more than Jenks. I believe
6 it's possibly Brady and Rule 16.

7 And I think there's other reports other
8 than this one that the government is withholding
9 from not just me, but other defendants; that they're
10 taking the position that they're simply Jenks
11 material. But I believe that they're discoverable
12 under Rule 16 and Brady. I just would like to lay
13 my record and have leave to file a motion with the
14 Court, Your Honor.

15 THE COURT: Mr. Braun.

16 MR. BRAUN: And Your Honor, I would just
17 note that even if it was Rule 16, which defense
18 counsel is ignoring Rule 16(a)(2), which
19 specifically excludes agent reports. But even if it
20 was, it has been produced well in advance of trial.
21 There's not even a trial date yet, so there would be
22 no prejudice.

23 But be that as it may, we're here just for
24 this hearing, and I don't think there is any basis
25 to exclude it from this hearing.

1 THE COURT: All right. Well, your
2 comments have been noted for the record. I didn't
3 understand that you were formally making an
4 objection at this point. If you're making an
5 objection at this point, your objection is
6 overruled.

7 MS. SIRIGNANO: Thank you, Your Honor.

8 THE COURT: All right. Are we ready to
9 proceed?

10 MR. NASH: If I may, Your Honor.

11 THE COURT: Yes.

12 MR. NASH: One minor housekeeping matter
13 that I think the parties are all in agreement on.
14 We noted on the calendar that there is a hearing
15 date set on April 28th that is a vestige of some
16 prior schedules and calendars that the Court had
17 set, all of which have been kind of rendered moot by
18 this new sequence.

19 Our understanding is that -- I believe
20 it's the 1st of May -- Defendant Osgood and other
21 counsel may supplement the wiretap motion. The
22 government has a scheduled time to respond, and we
23 have a scheduled time to reply.

24 Once that matter is at issue, we will then
25 find a good hearing date to litigate whether we get

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1 a Franks hearing. Then after that decision is made,
2 we would set a hearing on the main wiretap issue.

3 Subsequent thereto, we would set a hearing
4 on whatever other motions remain in advance of
5 trial, in view of the defendants who remain, and set
6 a trial date.

7 I think we're all in agreement that the
8 date of the 28th should be vacated. And again, it's
9 a product of some prior schedules.

10 THE COURT: Any disagreement with that?

11 MR. BRAUN: That is correct, Your Honor.

12 MR. BLACKBURN: No, Your Honor.

13 THE COURT: All right. We were thinking
14 that that would probably be the case, but I wanted
15 to hear it from you all before I vacated it. So we
16 will vacate that April 28th hearing, and we'll set
17 another hearing date at the appropriate time. All
18 right?

19 Are we ready to proceed?

20 MR. BRAUN: Yes, Your Honor. The
21 government calls DEA Special Agent Rich Stark.

22 THE COURT: Please come forward.

23

24

25

1 RICH STARK,

2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. BRAUN:

5 Q. Please state your name.

6 A. Rich Stark.

7 Q. You might want to pull the microphone a
8 little closer to you. How are you employed?

9 A. I'm employed as a Special Agent with the
10 Drug Enforcement Administration in Albuquerque, New
11 Mexico.

12 Q. How long have you been a DEA Special
13 Agent?

14 A. Since 1996.

15 Q. And what is your role in this case?

16 A. I'm the assigned case agent to investigate
17 the Dana Jarvis drug trafficking organization.

18 Q. And when did you begin your investigation
19 in this case?

20 A. In 2002.

21 Q. Did your investigation ultimately include
22 the use of court-authorized wiretaps on numerous
23 telephones related to the Jarvis organization?

24 A. Yes, it did.

25 Q. And those wiretaps span from March of 2005

1 until August of 2005?

2 A. That is correct.

3 Q. And the federal grand jury returned the
4 initial indictment in this case on August 23rd,
5 2005?

6 A. That is correct.

7 Q. As the case agent in this case, have you
8 conducted interviews of certain cooperating
9 defendant witnesses?

10 A. Yes, I have.

11 Q. Let start with Barbara Hanna. Has she
12 pled guilty to her participation in the money
13 laundering conspiracy charged in Count 36 of the
14 indictment?

15 A. She has.

16 Q. And has she agreed to testify in this
17 case?

18 A. Yes, she has.

19 Q. Based on your interview of Ms. Hanna, what
20 would she testify to regarding how she got involved
21 in the Jarvis drug trafficking organization and what
22 her role was in the organization?

23 A. Ms. Hanna would testify that in
24 approximately 1990, she was working as a call girl
25 at an escort service in Boston, Massachusetts. She

1 was hired for the evening by Mr. Jarvis.

2 During that first encounter, Mr. Jarvis
3 told Barbara Hanna that he was a marijuana drug
4 trafficker and was in Boston doing quote, unquote,
5 business. After that, they struck up a
6 relationship.

7 Mr. Jarvis trusted her immediately with
8 bulk cash. And she was asked to store bulk cash in
9 her studio apartment in Boston, and she also became
10 a courier of bulk US currency for Mr. Jarvis.

11 Q. Okay. And a few months after meeting
12 Jarvis in 1990, did she move to New Mexico at his
13 request?

14 A. Yes, she did.

15 Q. And what was her role in the investigation
16 at that point?

17 A. In the early days, she was a courier. She
18 brought bulk US currency back to Mr. Jarvis from New
19 York, Bloomington and other destinations.

20 Q. And are you aware of a seizure of
21 approximately \$25,000 from Ms. Hanna at the
22 Dallas/Fort Worth airport on February 5th, 1992?

23 A. Yes, I am.

24 Q. Could you please tell the Court about that
25 incident?

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1 A. On that date, Ms. Hanna was flying under
2 the name of Ann Hayes. The DEA interdiction group
3 based at the Dallas/Fort Worth International Airport
4 encountered her. During the encounter, they
5 discovered \$25,000 in bulk US currency, I believe,
6 in her purse.

7 Q. Okay. And what would her testimony be
8 regarding that seizure?

9 A. She stated that she was transporting bulk
10 cash for Mr. Jarvis.

11 Q. After the return of the indictment in this
12 case, the initial indictment on August 23rd, 2005,
13 did agents execute a search warrant at Ms. Hanna's
14 residence on August 25th, 2005?

15 A. Yes, they did.

16 Q. What did they find there?

17 A. They found bulk cash in the amount of
18 approximately \$47,000, I believe, and a very large
19 pile of rubber bands.

20 Q. And what is the significance of the rubber
21 bands?

22 A. The rubber bands were used to band \$5,000
23 bundles of currency for the Jarvis organization.

24 Q. Okay. And the presence of those rubber
25 bands, did they corroborate Ms. Hanna's testimony

1 about what her role was later in the conspiracy?

2 A. Yes, they do.

3 Q. And what would she testify was her role
4 later in the conspiracy, say after 2001 or 2002?

5 A. She stated that she was the individual
6 that the money was brought back to. And she was
7 responsible for counting the money, inventorying it,
8 repackaging it and then passing it on to other
9 individuals within the Jarvis drug organization.

10 Q. And what would she testify that money was
11 the proceeds of?

12 A. It was the proceeds of drug trafficking,
13 specifically the distribution of bulk marijuana.

14 Q. Okay. And where would she say that money
15 was taken after she had counted it and packaged it?

16 A. It was transferred to Mr. Jarvis and also
17 to a man in Tucson, Arizona, by the name of Mike
18 Hannah, who held those drug proceeds.

19 Q. Okay. And did agents execute a search
20 warrant on a safety deposit box belonging to
21 Ms. Hanna?

22 A. Yes, they did.

23 Q. What was found in the safety deposit box?

24 A. Agents discovered \$100,000, approximately
25 \$100,000, in US currency inside the safety deposit

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1 box.

2 Q. Okay. Now you mentioned Mike Hannah. Is
3 he also a cooperating defendant witness in this
4 case?

5 A. Yes, sir, he is.

6 Q. And he has pled guilty to Counts 1 and 3
7 of the indictment in this case?

8 A. Yes, sir, he has.

9 Q. Okay. Based on your interview of Mike
10 Hannah, what would he testify to regarding how he
11 got involved in the Jarvis drug trafficking
12 organization and what his role was?

13 A. He would testify that I believe it was in
14 either 1992 or '94, Mr. Hannah began holding bulk US
15 currency that was the proceeds of drug trafficking
16 for Mr. Jarvis. He would hold that bulk cash until
17 Mr. Jarvis gave him authorization to release that
18 cash to sources of supply for marijuana in the state
19 of Arizona or other associates tied to Mr. Jarvis.

20 Q. Okay. When he was interviewed, he said
21 that the first time he held money for Mr. Jarvis was
22 about 15 years ago; is that right?

23 A. That is correct.

24 Q. And that interview occurred in 2005?

25 A. That is correct.

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1 Q. Did you intercept calls during the course
2 of the wiretaps that corroborate Mr. Hannah's
3 testimony regarding his role in the organization?

4 A. Yes, we did.

5 Q. Specifically, if you could tell the Court
6 about a series of phone calls between Ayla Jarvis
7 and Mike Hannah and between Ayla Jarvis and Dana
8 Jarvis on June 26, 2005.

9 A. In the intercepted phone conversations
10 between Ayla Jarvis and Mike Hannah, Ayla was
11 attempting to have Mr. Hannah release a sum of
12 money -- I believe it was \$108,000 -- so she could
13 pay individuals that she had procured bulk marijuana
14 from for the organization.

15 She tried several times to have Mr. Hannah
16 release the funds to her, and Mr. Hannah stated he
17 could not release the funds without authorization.

18 Later there was a conversation between
19 Dana Jarvis and Ayla Jarvis where Mr. Jarvis was
20 furious with Ayla for trying to have Mike release
21 the funds to her. And he basically stated, "I'm the
22 only one that's authorized to give that
23 authorization to Mr. Hannah." And he said, "I'm not
24 releasing a dime without the net list," which was
25 the net weights of the bulk marijuana that she was

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1 trying to procure.

2 Q. Okay. And just to clarify, Mike Hannah
3 and Barbara Hanna are not related; is that right?

4 A. No, sir, they are not.

5 Q. Now prior to initiating the wiretaps in
6 this case, did you participate in the seizure of
7 approximately \$287,000 from Ayla Jarvis in
8 Bloomington, Indiana, on October 28, 2004?

9 A. Yes, I did.

10 Q. Could the tell the Court about that money
11 seizure?

12 A. On the day before that date, we had
13 determined that Dana Jarvis owned an aircraft. The
14 tail number of the aircraft was N, as in November,
15 three Alpha Juliette. We placed a lookout with the
16 Air Marine Operation Center in Riverside,
17 California.

18 And on the day before the stated date, we
19 were notified by AMEC that the aircraft was leaving
20 Tucson, Arizona, en route to Oklahoma City. I was
21 able to board a United States Customs aircraft, and
22 I and two other agents followed November three Alpha
23 Juliette to Oklahoma City and were able to land
24 actually just a few minutes in front of them.

25 Once November three Alpha Juliette landed,

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1 I observed Ayla Jarvis exit the aircraft as well as
2 the pilot, David Reid. Surveillance units that we
3 had requested from Oklahoma City helped us place
4 Ms. Jarvis and Mr. Reid at a local hotel that
5 evening.

6 The next morning, we were notified by AMEC
7 again that the aircraft was departing Oklahoma City
8 en route to Bloomington, Indiana. I contacted DEA
9 agents at the Indianapolis DEA office, who then
10 established surveillance at the Bloomington,
11 Indiana, airport.

12 The aircraft arrived. Ayla Jarvis was
13 observed exiting the aircraft, getting in a van and
14 driving to a local restaurant -- I believe it was a
15 Cracker Barrel -- in Bloomington, Indiana. Agents
16 observed her walk in. And a short time thereafter,
17 she walked out with a man identified as Greg Hill.

18 And following that meeting, Ayla Jarvis
19 made an illegal U-turn in front of a police officer,
20 and a car stop was performed. And subsequent to
21 that car stop, agents discovered approximately
22 \$287,000 in bulk US currency.

23 Q. Okay. Was that money seized?

24 A. Yes, it was.

25 Q. What did Ayla Jarvis say about that money

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1 at the time of the stop?

2 A. At the time of the stop, she told the
3 officer that that money belonged to her father and
4 that it was for the purchase of an aircraft or some
5 real estate and that her father did not believe in
6 banks.

7 Q. Okay. What happened after that?

8 A. The money was seized, and Ms. Jarvis was
9 allowed to leave.

10 Q. Okay. Has Ayla Jarvis pled guilty to her
11 involvement in the Jarvis drug trafficking
12 organization and the money laundering conspiracy?

13 A. Yes, she has.

14 Q. And she has agreed to testify in this
15 case?

16 A. Yes, she has.

17 Q. Based on your interviews with Ms. Jarvis,
18 what would she testify to regarding her role in the
19 Jarvis organization?

20 A. Ayla Jarvis would testify that she did
21 lots of little errands for her father throughout the
22 years. But when she was 16 years old, she began
23 stripping and weighing the bulk marijuana in Tucson
24 and preparing it for transport.

25 Q. Okay. What else did she do?

1 A. She transported bulk cash, and then she
2 also procured bulk marijuana from other sources of
3 supply for the organization.

4 Q. What would she testify to specifically
5 regarding the October 28th, 2004, money seizure?

6 A. She stated that that was the first time
7 that she was sent to pick up bulk cash for the
8 organization and that that was the first time that
9 the aircraft was used to pick up bulk cash for the
10 organization.

11 Q. And would she testify about statements
12 made by Defendant Reid after the seizure of the
13 marijuana?

14 A. Yes, she would.

15 Q. Could you describe that for the Court?

16 A. Yes. She stated that she went back to the
17 airport and told Mr. Reid, the pilot, what happened.
18 Then Mr. Reid called Mr. Jarvis, and she heard him
19 talk to Mr. Jarvis. And Mr. Reid asked, "This
20 doesn't have anything to do with drugs, does it,"
21 something to that effect. To which Mr. Jarvis
22 replied, "No, it does not."

23 Q. And what happened then?

24 A. And then she stated that Mr. Reid
25 contacted the trooper that was responsible for

1 seizing the bulk cash.

2 Q. And what would the trooper testify to
3 regarding his conversation with David Reid?

4 A. Trooper Staley, in his report, stated that
5 he received a call from David Reid, trying to get a
6 hold of him. He got a message then to call Mr. Reid
7 back. He called Mr. Reid.

8 Mr. Reid claimed that the money was his
9 and that it was for the purchase of an aircraft, and
10 he could provide the trooper proof that they planned
11 to buy an aircraft.

12 And then he the trooper stated, "Well,
13 it's being forfeited," and the trooper explained
14 that he had provided a receipt to his daughter.

15 Q. His daughter, meaning Ayla Jarvis?

16 A. That's correct.

17 Q. Okay. And was there a second call the
18 next day between David Reid and the trooper?

19 A. That's correct. Mr. Reid contacted -- I
20 believe there was a message, and the trooper called
21 back and spoke with Mr. Reid. And Mr. Reid stated
22 that he had spoken to an attorney and that he was
23 willing to enter into a quote, unquote, compromising
24 agreement where he returned \$25,000 and the trooper
25 could keep \$25,000 of that bulk cash for a trooper

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1 fund if they would return the remaining bulk US
2 currency to Mr. Reid.

3 Q. Okay. And would the trooper testify that
4 David Reid said, "This is not a bribe"?

5 A. That is correct.

6 Q. Would Ayla Jarvis testify about a
7 subsequent encounter with David Reid involving bulk
8 currency?

9 A. Yes. Yes, she would.

10 Q. Okay. Could you describe that for the
11 Court involving a duffle bag?

12 A. Yes. Several months later, Ms. Jarvis
13 said that she was at the Lazy B. The address was
14 the Lazy B stash trailer. It was a trailer used to
15 reroute the marijuana, the bulk marijuana.

16 Q. In Tucson?

17 A. In Tucson, Arizona. Mr. Reid arrived at
18 the stash trailer location carrying a duffle bag
19 with bulk US currency in it, approximately \$80,000.
20 He stated that it was from George Ripley.

21 And when he gave it to her, he made a
22 statement that if your bag smelled anything like
23 this bag, no wonder it got seized. And Ms. Jarvis
24 stated the bag reeked of marijuana.

25 And she said, as a matter of fact,

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1 following that incident, that she contacted George
2 Ripley and told him not to transport bulk US
3 currency in bags that smelled like marijuana. They
4 would have to change how they packaged the cash.

5 Q. Okay. And subsequent to his arrest in
6 this case, did Defendant Reid make a statement to
7 agents after waiving his Miranda rights?

8 A. Yes, sir, he did.

9 Q. And what did he say about how he met Dana
10 Jarvis and what his work for Jarvis was?

11 A. I believe that he stated that Mr. Jarvis
12 purchased November three Alpha Juliette in July of
13 2004 and that Mr. Jarvis procured his services as a
14 pilot through -- I believe, the name was Falcon
15 Executive Aviation, something like that.

16 Q. Okay. So Defendant Reid admitted that he
17 was a pilot for Defendant Jarvis?

18 A. That is correct.

19 Q. But he did not admit that he knew he was
20 transporting marijuana or bulk currency that was the
21 proceeds of drug trafficking?

22 A. That is correct.

23 Q. Are there cooperating defendant witnesses
24 who will testify about bulk marijuana being
25 transported by plane with David Reid as the pilot?

1 A. Yes.

2 Q. Is one of those witnesses Salvador Abeyta?

3 A. Yes.

4 Q. Has he pled guilty to his participation in
5 the drug trafficking organization charge in this
6 case?

7 A. Yes, he has.

8 Q. And he's agreed to testify?

9 A. Yes, he has.

10 Q. What would he testify to regarding what
11 I've asked you about, the transporting of marijuana
12 on the plane?

13 A. Salvador Abeyta provided statements. And
14 he said that in the summer of 2005, he went to visit
15 Dana Jarvis in Tucson, Arizona. He wound up driving
16 Mr. Jarvis around Tucson on various errands, and
17 then he went to the Lazy B stash house/trailer.

18 When he entered the trailer, an individual
19 by the name of Sam Jones and Adrian Sanford were
20 wrapping bulk marijuana and placing that marijuana
21 inside of suitcases. Mr. Abeyta said that later
22 that evening, the suitcases were loaded into his
23 vehicle and then driven to an airport on the
24 outskirts of Tucson and that luggage with the bulk
25 marijuana was loaded aboard the aircraft.

1 Q. Okay. Will Salvador Abeyta testify about
2 Mr. Reid's demeanor?

3 A. Yes. He stated that Mr. Reid was very
4 nervous and was looking around and concerned that
5 Mr. Abeyta had been followed to the airport.

6 Q. Okay. Now you mentioned Sam Jones. Is he
7 another cooperating defendant witness?

8 A. Yes, he is.

9 Q. And he's pled guilty in this case as well?

10 A. Yes, he has.

11 Q. And he's agreed to testify?

12 A. That is correct.

13 Q. Based on your interview of Mr. Jones, what
14 would he testify to regarding marijuana being
15 transported by plane?

16 A. Mr. Jones stated that he indeed did wrap
17 marijuana and place bulk marijuana inside of
18 suitcases, and those suitcases were transported in
19 Salvador Abeyta's vehicle to an airport outside of
20 Tucson. He helped load those bags aboard the
21 aircraft, and that aircraft was then flown to
22 Albuquerque.

23 The bulk marijuana that was inside the
24 suitcases was left on board the aircraft that
25 evening, except for one small bundle that was taken

1 to a house owned by Mr. Jarvis in Bernalillo, New
2 Mexico. And that's where everybody spent the night.

3 Q. Okay. Now based on your investigation,
4 how was marijuana generally transported by the
5 Jarvis organization?

6 A. The primary way that the marijuana was
7 packaged and transported for this organization was
8 the bulk marijuana was placed inside dark-colored
9 duffle bags and then placed in vehicles and
10 transported by vehicle.

11 Q. Okay. So will Mr. Jones testify about his
12 understanding of why this marijuana was placed into
13 suitcases for being flown on the plane?

14 A. Yes, he would.

15 Q. What would he say about that?

16 A. He said that he spoke with Mr. Jarvis.
17 And Mr. Jarvis said quote, unquote, we have a
18 request to place the items in suitcases, pretty
19 much. And it was Mr. Jones' understanding that that
20 request could have only come from one person, and
21 that was the pilot, David Reid.

22 Q. Okay. During the course of the wiretap
23 interceptions, did you intercept calls that would
24 corroborate this load of marijuana that Sam Jones
25 and Salvador Abeyta will testify about?

1 A. Yes.

2 Q. And specifically, did you intercept a call
3 where Dana Jarvis asked Sam Jones to come to Tucson
4 on June 28, 2005?

5 A. Yes. We intercepted a call where he asked
6 Mr. Jones to come to Tucson right away.

7 Q. Okay. Would Ayla Jarvis also testify
8 about this incident?

9 A. Yes, she would.

10 Q. What would her testimony be?

11 A. Her testimony would be that the one bale
12 that was taken to the Bernalillo stash house, she
13 inspected it.

14 She would first testify that she was
15 aboard that aircraft, that the luggage was loaded
16 aboard the aircraft at the airport outside of Tucson
17 and flown to Albuquerque. And the next day, she
18 inspected the one bale that was taken from the
19 aircraft that evening to the Bernalillo house.

20 And she looked at it, and she said she
21 panicked. It was wrapped very thinly. And she then
22 called her father and left messages in talking code,
23 but basically tried to warn him that the bales of
24 marijuana were wrapped not appropriately.

25 She then called Adrian Sanford after she

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1 called her father and stated that he had messed up;
2 that he had wrapped the -- again talking in code,
3 but he had wrapped the bundles of marijuana too
4 thinly.

5 Adrian asked her, "Did they stink?" And
6 she said most definitely, or something to that
7 effect.

8 Q. Okay. And why would there be a concern
9 about the marijuana being wrapped too thinly?

10 A. Because then it would smell like
11 marijuana. It would be obvious.

12 Q. Okay. Would Ayla Jarvis testify about
13 another load of marijuana that was transported by
14 plane?

15 A. Yes, she would.

16 Q. Okay. What would she say about that?

17 A. She would say that there was a load of
18 marijuana in July; that half went by ground and that
19 half went by air.

20 Q. And by air, meaning by the airplane?

21 A. That is correct.

22 Q. And if you could, please tell the Court
23 about the half that she would testify went by
24 ground.

25 A. That half was approximately 205 pounds of

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1 bulk marijuana that was seized from Russell Trujillo
2 in Casa Grande, Arizona.

3 Q. Okay. Can you tell the Court a little bit
4 about that seizure?

5 A. Yes. We had intercepted telephone calls
6 between Dana and Russell Trujillo that indicated
7 Mr. Jarvis wanted Russell Trujillo to transport a
8 load. They were trying to arrange for a rental car.

9 We then intercepted a call between
10 Mr. Jarvis and I believe it was Ralph Greene where
11 Mr. Jarvis stated that Russell was approximately
12 half an hour out.

13 At that time I contacted DEA agents in
14 Tucson, Arizona, who established surveillance on the
15 residence where Dana Jarvis was currently living at
16 that time. When they established surveillance at
17 that location, they observed a van. They ran the
18 plate through the Department of Motor Vehicles and
19 found that it was a rental vehicle.

20 They then waited until that van left.
21 Mr. Trujillo was driving that van. They followed
22 that van to the town of Casa Grande, and a car stop
23 was performed. And approximately 205 pounds was
24 seized from Mr. Trujillo, from that vehicle.

25 Q. Okay. And has Russell Trujillo pled

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1 guilty to his participation in the drug trafficking
2 conspiracy in this case?

3 A. Yes, he has.

4 Q. And he has agreed to testify?

5 A. Yes, he has.

6 Q. And would he testify that he had been
7 transporting bulk marijuana for the Jarvis
8 organization since approximately the mid-1990s?

9 A. Yes, he would.

10 Q. Okay. Now could you tell the Court about
11 another seizure of marijuana from a defendant named
12 Donald Trujillo in Nebraska on May 20th, 2005?

13 A. Yes. Local police officers did a traffic
14 stop on Mr. Trujillo's vehicle. And subsequent to
15 that traffic stop, they discovered bulk marijuana
16 inside of his vehicle.

17 Q. Approximately 200 pounds?

18 A. That is correct.

19 Q. And how was that marijuana packaged?

20 A. Actually, it was in a box, in duffle bags.

21 Q. And how was it wrapped?

22 A. It was wrapped -- I believe that was after
23 the stash house/trailer burned down. And I think
24 that he stated that it was wrapped thinly, but I
25 don't recall exactly how that marijuana was wrapped.

1 Q. Okay. Now has Donald Trujillo pled guilty
2 to his participation in the drug trafficking
3 conspiracy run by Jarvis?

4 A. Yes, he has.

5 Q. That was in a separate case from this?

6 A. That is correct.

7 Q. Has he also agreed to testify in this
8 case?

9 A. Yes, he has.

10 Q. And based on your interviews with Donald
11 Trujillo, what would he testify to regarding his
12 role in the Jarvis organization?

13 A. He stated that he was a bulk marijuana
14 courier for the Jarvis organization and then also
15 transported bulk US currency as well.

16 Q. Okay. When would he testify he began
17 working for the Jarvis organization?

18 A. In approximately 2002, I think. But I
19 don't recall the date right now.

20 Q. Would he testify about his involvement
21 with a person named Greg Hill?

22 A. Yes, he would.

23 Q. What would his testimony be in that
24 regard?

25 A. Well, the load that he was stopped with in

1 Omaha, Nebraska, was actually destined for Mr. Hill
2 in Bloomington, Indiana.

3 He also would testify that he had taken
4 several multihundred-pound quantities of marijuana
5 to Mr. Hill in Bloomington, Indiana.

6 He would also testify that he actually
7 would drive -- pull up to Mr. Hill's Ramp Creek
8 address and unload the marijuana and take it through
9 his kitchen door and stash it in his house.

10 Q. And that's Ramp Creek Road in Bloomington,
11 Indiana?

12 A. That's correct.

13 Q. And Donald Trujillo didn't know Greg Hill
14 by name; is that right? He knew him by the nickname
15 Ocho?

16 A. Ocho the masseuse.

17 Q. Okay. Now did you intercept a call over
18 the wiretaps that corroborated Donald Trujillo's
19 testimony regarding where the load he was arrested
20 with on May 20th, 2005, was headed?

21 A. Yes, I did.

22 Q. Okay. Could you summarize that call for
23 the Court?

24 A. That was a call intercepted between
25 Mr. Hill and Mr. Jarvis. Mr. Hill asked about how

1 our friend Donald was, something to that effect.

2 And Mr. Jarvis said, "We'll talk about that later."

3 And then Mr. Hill made statements,

4 something to the effect that that really kind of

5 freaked me out. He was supposed to be here in a

6 day, and then I never saw him.

7 Q. Okay. After the return of the indictment
8 in this case, did agents execute a search warrant at
9 Greg Hill's Ramp Creek address on August 25th, 2005?

10 A. Yes, they did.

11 Q. And generally, what did they find at that
12 residence?

13 A. They found bulk US currency in the amount
14 of -- I believe it was \$40,000. They found duffle
15 bags, approximately 10 pounds of bulk marijuana,
16 items that indicated distribution of marijuana,
17 small scales, large scales, heat sealers, baggies,
18 things of that nature.

19 Q. Okay. And based on your training and
20 experience, those items that were found there are
21 consistent with marijuana trafficking?

22 A. That is correct.

23 Q. Would Donald Trujillo also testify about
24 contacts he had with Defendants David Reid and
25 George Osgood?

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1 A. Yes, he would.

2 Q. With regard to Defendant Reid, what would
3 his testimony be?

4 A. Mr. Trujillo stated that he met Mr. Reid,
5 I believe, at Ryan Airfield outside of Tucson,
6 Arizona, and was handed bulk US currency to take to
7 Mr. Jarvis, which Mr. Trujillo said he did.

8 Q. Okay. And what would he testify to
9 regarding Defendant Osgood?

10 A. He stated that he picked up 100 pounds of
11 bulk marijuana in New York, then drove that
12 marijuana to Columbus, Ohio, and then through
13 various circuitous routes, and it wound up in
14 Chicago, Illinois.

15 Q. Now regarding Donald Trujillo testifying
16 about picking up marijuana in New York, have you
17 interviewed a cooperating witness named J.D. LaMonte
18 who lives in New York?

19 A. Yes, I have.

20 Q. And what would be his involvement
21 regarding Defendant Osgood?

22 A. His involvement with Defendant Osgood, he
23 stated in approximately 2000, 2001, he began, at
24 Osgood's request, transporting bulk marijuana for
25 the organization. He also stored bulk marijuana for

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1 the organization or for Mr. Osgood, and would
2 inventory bulk marijuana for Mr. Osgood as well.

3 Q. Now, did you intercept calls during the
4 course of the wiretap that confirmed Mr. Osgood's
5 role in the Jarvis organization?

6 A. Yes.

7 Q. Can you tell the Court about that?

8 A. We intercepted a call between Mr. Osgood
9 and Mr. Jarvis where Mr. Osgood was talking in code
10 and saying I've got, you know, 30 papers, indicating
11 that he had \$30,000 for Mr. Jarvis that he had been
12 basically collecting of bulk currency to pass to
13 Mr. Jarvis.

14 Q. Okay. And that was a call on April 9th,
15 2005?

16 A. That is correct.

17 MR. BRAUN: Okay. If I may have just a
18 moment.

19 I'll pass the witness, Your Honor.

20 THE COURT: Who wants to start?

21 All right, Mr. Nash.

22 CROSS-EXAMINATION

23 BY MR. NASH:

24 Q. Mr. Stark, I wanted to go over some
25 general matters first and then talk about some of

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1 the specifics of what you told us here today. My
2 understanding is you've got a great deal of
3 experience working and investigating drug
4 conspiracies; is that correct?

5 A. I would hope so.

6 Q. I'm trying to be nice to you, Rich. It's
7 okay to say yes. You've worked in various postings
8 with DEA, and most of your work has been
9 investigating large-scale and some
10 less-than-large-scale marijuana conspiracies?

11 A. That is correct.

12 Q. And through the course of your time doing
13 that, you've become aware of different types and
14 styles of conspiracies; would that be correct?

15 A. I would say so.

16 Q. Is it fair to say that there are two major
17 types of conspiracy: One a chain, and one described
18 as a wheel conspiracy?

19 MR. BRAUN: Your Honor, I would object. I
20 think this calls for a legal conclusion more than a
21 factual conclusion.

22 MR. NASH: We've have had all kinds of
23 testimony elicited by Mr. Braun very skillfully
24 about this man's expertise at different types of
25 conspiracies, what speaks to the existence of it.

1 And I'm just trying to lay a little foundation of
2 what may be an issue of multiple versus single
3 conspiracies, Your Honor.

4 THE COURT: I'll allow the question. The
5 objection is overruled.

6 A. I actually don't understand what you're
7 saying about, a wheel conspiracy. I'm not familiar
8 with that term.

9 Q. (By Mr. Nash) Do you believe there are
10 different kinds of conspiracies?

11 A. I suppose.

12 Q. What labels do you attach to them, so we
13 can speak in the same jargon?

14 A. Large conspiracies, small conspiracies.

15 Q. Fair enough, sir. In this case, is it
16 fair to say that Dana Jarvis was at the hub or the
17 center of the drug-related activities about which
18 you've spoken?

19 A. I don't know about the hub, but he was the
20 head of a large drug trafficking organization that
21 spanned multiple districts, multiple states.

22 Q. And everything seemed to center around
23 him; did it not?

24 A. He was the primary figure in this drug
25 trafficking conspiracy.

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1 Q. And let's talk about what has been charged
2 as this conspiracy. The indictment has two counts.
3 Count 1 is the marijuana conspiracy; Count 3 is the
4 money laundering conspiracy. They appear to involve
5 the same people at the same time frame, which is
6 approximately 1990 up to and including August 25,
7 2005, which was about the time of your indictment;
8 was it not?

9 A. I believe the indictment was on the 23rd,
10 and I believe the arrest took place on the 25th of
11 August.

12 Q. Did you play a role in evaluating the
13 facts of this case and the decision process of how
14 to charge those conspiracies?

15 A. I transferred my investigation to the
16 United States Attorney's office. And in conjunction
17 with the United States Attorney's office, those
18 decisions were made. I'm a simple investigator.

19 Q. You talked a lot about chronology and
20 people's involvements, and I want to focus in on
21 David Reid. When do you believe he first met with
22 and started flying for Dana Jarvis?

23 A. Well, July 2004 I believe was when
24 Mr. Reid -- I mean Mr. Jarvis purchased November
25 three Alpha Juliette, which was the first aircraft.

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1 And then some time after that, he needed a pilot to
2 fly that aircraft.

3 And my understanding was that he found
4 Mr. Reid through the Falcon Executive organization.
5 And so some time after that is when Mr. Reid began
6 flying for Mr. Jarvis.

7 Q. You've talked to a lot of people in this
8 case and you've developed a lot of investigative
9 leads. Is it fair to say that your investigation
10 has shown there was a period of time when you would
11 agree that David Reid did not know what was going on
12 with the Jarvis organization after he went to work
13 for Mr. Jarvis?

14 A. I --

15 Q. I will ask it in a more simple way. Let
16 me try it again. What is the first event or first
17 date that your investigation has reflected that you
18 believe, as part of your summary testimony here
19 today, that David Reid knew what was going on with
20 Dana Jarvis?

21 A. You know, I could not put a date on that
22 today because there were so many intercepted
23 telephone calls and so many cooperating defendant
24 witness statements. I would have to go through
25 everything and lay out a timeline.

1 But I can say that it was definitely some
2 time after Mr. Reid began flying for Mr. Jarvis.

3 Q. So you would agree that there was at least
4 some period that we're uncertain of right now before
5 you claim that your evidence shows that Reid became
6 aware of the drug-trafficking activities of Dana
7 Jarvis?

8 A. If you're saying that Mr. Reid worked for
9 Dana Jarvis for a time and then was aware of his
10 drug-trafficking activities, the answer would be
11 yes.

12 Q. Fair enough, sir. Why do you believe this
13 is a single conspiracy, as opposed to multiple
14 conspiracies?

15 MR. BRAUN: And again I would object on
16 the basis of that calls for a legal conclusion.

17 MR. NASH: He's an experienced agent.
18 He's here to say this was a single conspiracy.

19 The issue you have to resolve, Your Honor,
20 on single versus multiple, is critical to the
21 admission of co-conspirator hearsay. If you have
22 one conspiracy that goes from January to June and
23 another one from July to December, statements from
24 number one are admissible in number two.

25 One of the things you have to decide, even

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1 based on the summary testimony, is it one or is it
2 multiple? This is a witness they have chosen to
3 bring in. He knows the facts. I think he's
4 appropriate to answer the question.

5 THE COURT: All right. The objection is
6 overruled. You may answer the question.

7 MR. NASH: Do you remember the question,
8 Rich?

9 THE WITNESS: Multiple or single
10 conspiracy.

11 MR. NASH: Yes, sir.

12 A. I'm not an expert, as far as the legal
13 conclusions, on what any single or multiple
14 conspiracy are. But I would say that everything
15 that our investigation showed is that it was a
16 tight-knit, large drug organization, and everything
17 fit.

18 Mr. Reid's actions fit with the illegal
19 activities of Ayla Jarvis and with others that have
20 testified. The conspiracy was from 1990 through the
21 time that we made the arrests, and everything was
22 intermingled.

23 I didn't see -- in my investigation, I
24 didn't see separate pieces that you could just pull
25 out and say okay, this one was completely isolated

1 from all the other events, if that's what you're
2 asking.

3 Q. It is, sir. Let me ask you some specific
4 questions that your response brings to mind. Did
5 your investigation develop at various times that
6 Dana Jarvis had different suppliers of marijuana?

7 A. He had multiple suppliers of marijuana.

8 Q. Did your investigation confirm that one
9 supplier may be working at one period of time, and
10 years later that supplier may be gone and another or
11 more than one new suppliers would take his place?

12 A. It was more a kind of an intermingling.

13 He would purchase marijuana. According to one of
14 the sources of supply, Jorge Moffet Ortiz, he said
15 that he was supplying Dana Jarvis, but he knew that
16 Mr. Jarvis was supplied by multiple other people.

17 And there was this kind of mix and match
18 when Mr. Jarvis -- I'm assuming that he got a
19 cheaper price or something. But it was always there
20 were just different people that were kind of
21 rotating in and out. It wasn't kind of a
22 start/stop, start/stop. It was always intertwined.

23 Q. Certainly you're not saying that every
24 supplier was there from the beginning to the end?

25 A. No. There were definitely people that

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1 moved out of the organization, and he gravitated
2 towards others.

3 Q. Is it fair to say that there were other
4 workers within the organization that performed
5 different roles that came and went at various times
6 from the organization?

7 A. Yes. They gravitated in and out, that's
8 correct.

9 Q. People would work for a while and be gone
10 forever. And new people would come in later, as did
11 Mr. Reid, correct?

12 A. Correct.

13 Q. Would Mr. Jarvis operate at different
14 times primarily from different locations through the
15 years?

16 A. Yes, in the sense that the drug operation
17 was continually ongoing in the sense that he had a
18 weed season. He would start in the fall and run it
19 through the summer.

20 But during that continuum, Mr. Jarvis -- I
21 would say that the primary focus was based, you
22 know, in Arizona, New Mexico and then wherever else
23 the drugs were distributed. But during that
24 continuum, it just depended on where Mr. Jarvis was.

25 The organization still ran as he wished.

1 But he may be in Arizona for a time; he may be in
2 California; he may be in New Mexico; he may be on
3 the East Coast. But he was able to run his
4 organization from different locations.

5 Q. And at various times he would reside in
6 the places you talked about, California, Tucson, New
7 Mexico?

8 A. Correct.

9 Q. Did your investigation reflect that there
10 were different purchasers of the marijuana through
11 the years and in different locations?

12 A. Different purchasers of marijuana?

13 Q. Yes.

14 A. And in different locations?

15 Q. Yes. Let me break it up. For example,
16 you are not saying that there were people that were
17 purchasers of marijuana from 1990 through and
18 including 2005, are you?

19 A. Well, I don't know if I had all of the end
20 user people. I can say that Mr. Jarvis from 1990 to
21 2005 was distributing ton quantities of marijuana
22 through Arizona, New Mexico, Colorado, Indiana and
23 the East Coast. And so I don't know if the end
24 users on one end or the other changed.

25 Q. Stated a different way, you have no

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1 evidence that you can offer today that there was
2 continuity of purchasers or continuity of locations
3 where marijuana was sent from beginning to end? It
4 changed as the years went by; did it not?

5 A. Not the locations specifically. Maybe the
6 end purchasers, which I don't have any information
7 on. But for the most part, Arizona was always in
8 the mix. New Mexico, Colorado was long-term;
9 Bloomington, Indiana; New York; Connecticut, to my
10 knowledge.

11 And from the information that I have
12 through my investigation, those were the consistent
13 distribution points throughout my investigation of
14 the time period of this conspiracy.

15 Q. My understanding, from what Mr. Braun was
16 asking you here today, is that your information
17 comes in the main about the details of the
18 organization from interviews that have been done by
19 yourself and other law enforcement professionals of
20 cooperators.

21 A. That is correct. A great deal of
22 information has come from them.

23 Q. And the other information, such as the
24 handoffs, the seizures, the calls, tended to
25 corroborate the sequence of events and description

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1 of events and activities that the cooperators gave
2 you?

3 A. I would say that's a fair statement.

4 Q. And when I say -- I don't have a
5 definitional problem with the questions I'm going to
6 ask now.

7 When I say cooperator, I mean anyone that
8 furnishes information to you, whether it's for
9 money, to work off their own case, for a vindictive
10 purpose, good citizen, charged or uncharged, a
11 source of information, confidential source, CW,
12 however it's used to label them. Are you
13 comfortable with that broad a definition?

14 A. I don't know if I would want to meld
15 together sources of information, confidential
16 sources of information, cooperating defendant
17 witnesses and cooperating witnesses, I think.

18 Q. Why do you want to separate those?

19 A. I think that it's very easy to then pull
20 information, for instance, on cooperating defendant
21 witnesses into statements that were made by
22 confidential sources such-and-such, and then you get
23 kind of a cross mix. And we're very careful about
24 protecting our confidential sources.

25 Q. And I'm not here to ask you about names;

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1 I'm not here to ask you about identifying
2 information. But what I do want to ask you about is
3 anybody who was involved in this organization,
4 anyone that was on the inside and anyone that's
5 given you information. Are you comfortable with
6 that if we don't get into --

7 A. We'll see where we go.

8 Q. Fair enough. You've talked about some of
9 the sources. And I want to take a couple of
10 different time frames. The names that you've given
11 us here today are not the exclusive list of folks
12 that fit my definition that gave you information, is
13 it?

14 A. That is correct.

15 Q. There's more than the folks than you've
16 mentioned?

17 A. There are several cooperating defendant
18 witnesses, correct.

19 Q. And Mr. Braun asked you about different
20 times in the investigation. One is from when you
21 started in 2002 up to the wiring going up in March
22 of '05. Let me isolate each of these periods that
23 he asked you about and ask you some questions about
24 each of them.

25 Can you tell us how many cooperators fit

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1 that definition that we have agreed upon which you
2 had during that time block? In other words,
3 preinitiation of wire in March of '05.

4 A. Okay. So preinitiation of March of '05?

5 Q. Yes, sir.

6 A. We had three confidential sources that
7 provided information regarding the Jarvis
8 investigation.

9 Q. And again, so we don't have definitional
10 problems, are you using the definition of anybody in
11 the inside who feeds law enforcement information as
12 being a confidential source?

13 A. I'm stating we had three confidential
14 sources that provided information about the Jarvis
15 organization.

16 Q. But what I don't want to have is a problem
17 later, sir, if we ever cross-examine you on this.
18 When I say confidential source, I exclude people on
19 the inside that we label cooperating defendants.

20 I don't care whether they're a defendant
21 or not. They're just somebody who knows about what
22 they speak because they're on the inside of the
23 Jarvis organization that give you info. That's my
24 definition of a cooperating person.

25 A. Okay.

1 Q. And did you have three that fit that
2 definition prewire?

3 A. We had three individuals that had
4 information -- that were confidential sources of
5 information that had information about the Jarvis
6 drug trafficking organization. You've got to talk
7 simply. I'm just an agent.

8 Q. A total of three, sir?

9 A. That is correct.

10 Q. Now let's go from the time period of the
11 wire going up. Mr. Braun talked to you about -- I
12 think it was March '05 through indictment, which was
13 the end of August '05.

14 Were there new people that got added to
15 the list of people on the inside who were
16 cooperating with law enforcement in any way, in
17 addition to those three?

18 MR. BRAUN: Your Honor, I would object as
19 to the relevance of when people began cooperating,
20 in terms of this hearing.

21 THE COURT: What is the relevance of that,
22 Mr. Nash?

23 MR. NASH: I'm just trying to build a
24 foundation. When we go back and look at the
25 transcript, Mr. Braun took a very careful -- he did

1 a very careful job of outlining when these people
2 cooperated and when they came into the mix.

3 I'm just trying to find out how many
4 others there were during the period. This is the
5 end of my inquiry in the area. If there were more
6 during that second period, then I'm finished with
7 this line of questioning.

8 THE COURT: Anything else?

9 MR. BRAUN: I don't think I necessarily
10 asked about when people began cooperating, except to
11 the extent that they were cooperating defendant
12 witnesses, and so it was obviously after they were
13 indicted. That's not really relevant to this
14 hearing.

15 What's relevant is when were they
16 participants in the organization, not when did they
17 begin cooperating.

18 MR. NASH: If that were true, then one
19 wonders why he spent so much time asking Agent Stark
20 when they came into the fold and when they started
21 giving information.

22 And I agree that the time period
23 postindictment is not relevant to this inquiry.

24 THE COURT: Well, I'll allow the question.
25 And you did say you were nearing the end of that

1 inquiry, so I will allow it.

2 Q. (By Mr. Nash) How many more got added,
3 Agent Stark, to the list of three between March '05
4 and August, when the indictment was returned?

5 A. I'd have to look at when we had
6 cooperating defendant witnesses. I can say probably
7 one.

8 Q. Perhaps more? You'd have to look at your
9 list?

10 A. I'd have to look.

11 Q. Fair enough. Thank you. Let me move on
12 to some of the specifics that you told Mr. Braun
13 about.

14 Let's talk first about the Barbara Hanna
15 Houston, I believe it was, cash seizure.

16 A. Dallas/Fort Worth.

17 Q. Dallas, I'm sorry. Was that an
18 independent investigation or a handoff in the
19 fashion of some of the other things that you told
20 Mr. Braun about?

21 A. It was an investigation that occurred in
22 1992. And in the course of investigating the Jarvis
23 organization, we actually pulled up from the
24 archives and were then able to corroborate some
25 information.

1 Q. Fair enough. The seizure of cash from
2 Ayla Jarvis, I take from your description, was a
3 handoff. You were involved in that. You handed it
4 off to local law enforcement and other federal
5 agencies there to do the work that you described?

6 A. That is correct. I contacted DEA agents
7 in Indianapolis.

8 Q. You talked about a conversation that Ayla
9 Jarvis had with David Reid postseizure of the money.
10 And I want to make sure I understand what you said.

11 And I think Dana Jarvis was involved in
12 the conversation as well. People specifically told
13 Mr. Reid that the money was not drug related; was
14 that your testimony?

15 A. That is correct. And I believe Ayla
16 overheard Mr. Reid talking to Mr. Jarvis on the
17 telephone. And he asked Mr. Jarvis, "This money
18 isn't drug related," or something to that effect.
19 And Mr. Jarvis assured him that it was not.

20 Q. Thank you, sir. You talked about Ayla
21 also discussing Mr. Reid arriving at a location, and
22 there was a bag of cash from Mr. Ripley.

23 A. That is correct.

24 Q. And we didn't flesh that out. Was the bag
25 opened in the presence of Mr. Reid?

1 A. I don't know.

2 Q. Are you aware of any conversation that
3 Ms. Jarvis has told you about that would have put
4 David Reid on notice that there was even money in
5 the bag, let alone the source thereof?

6 A. I would have to review her statements.

7 But from what I remember, she stated that he handed
8 her a bag, and it was bulk cash from George Ripley.
9 And he made the statements about the bag smelling
10 like marijuana. And if your bag smelled anything
11 like this, no wonder it got taken or seized,
12 something like that.

13 Q. And her debrief report would accurately
14 set out the totality of her statement?

15 A. I would say that it would set out what I
16 wrote down. What she testifies to as far as
17 details, she may have more. I don't . . .

18 Q. You don't --

19 A. I don't know.

20 Q. Well --

21 A. I'm not sure I asked her that.

22 Q. You're not sure you asked her if David
23 Reid even knew there was money in the bag?

24 A. No. I'm not sure I asked her about any
25 details as far as exactly how the handoff occurred.

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1 Q. Do you have any information to suggest
2 that David Reid knew there was money in the bag at
3 that time?

4 A. I don't know.

5 Q. Thank you, Agent Stark.

6 You talked also about a Lazy B stash
7 house/trailer located near Tucson, Arizona.

8 A. Correct.

9 Q. You talked about an incident where
10 people -- I think Sam Jones and Adrian Sanford --
11 were packaging marijuana, and David Reid's name
12 surfaced in that series of questions and answers.

13 My understanding is there's no information
14 to suggest that you received from the cooperator
15 that Mr. Reid was present for any packing or loading
16 of marijuana in that stash house/trailer, correct?

17 A. I don't remember any statements stating
18 that he was there at the trailer.

19 Q. Thank you, sir.

20 You talked about what looks to be a
21 handoff or controlled stop and seizure of Russ
22 Trujillo on the half of the load in July that Ayla
23 told you about. Do you recall that incident?

24 A. Correct.

25 Q. Was that, too, a handoff like the prior

1 situation?

2 A. That was we contacted the DEA agents that
3 had been working with us the entire time on this
4 case in Tucson and passed that information to them.

5 Q. The seizure in Nebraska fits within that
6 same characterization; does it not?

7 A. No.

8 Q. It was a handoff as well?

9 A. No, it was not. We had no knowledge of
10 that stop until we were notified by the local
11 authorities that they had run Donald Trujillo's
12 name, I believe, through a database, and found out
13 that we had a case on him. And we were notified at
14 that point.

15 MR. NASH: If I could have just one
16 moment, Your Honor?

17 THE COURT: You may.

18 MR. NASH: That's all I have at this
19 hearing.

20 And my understanding is this is more or
21 less a proffer by the government under the relaxed
22 rules, and it's not the time for me to cross-examine
23 on any report inconsistencies or other items. With
24 that, that's all I have.

25 Thank you, sir.

1 THE COURT: Any other cross?

2 Mr. Blackburn.

3 CROSS-EXAMINATION

4 BY MR. BLACKBURN:

5 Q. Agent Stark, you said that initially you
6 first started the investigation as it relates to the
7 Jarvis drug organization in 2002; is that correct?

8 A. That is correct.

9 Q. What was the initial event, if anything,
10 that started -- whether it's -- what was the initial
11 incident that started the investigation in 2002 as
12 it relates to this organization?

13 A. My partner here in Albuquerque, named
14 Special Agent Hella, was based in Tucson at the
15 time. And he called me and provided information and
16 said, "I have some information that there may be a
17 possible drug trafficker in Albuquerque by the name
18 of Dana Lanew," and that's how this investigation
19 began.

20 Q. Okay. And --

21 A. I want to strangle him every day.

22 Q. Well, when you get to retire soon, you can
23 go strangle him after this case is over, I guess,
24 right?

25 And then is it safe to say that your

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1 attention started in 2002 where you were devoted
2 pretty much full time to that up until -- or that
3 took a lot of your time, obviously, from the time it
4 started in 2002 basically up until -- we're talking
5 up until the time of the indictments, that you were
6 working pretty much exclusively on that particular
7 case?

8 A. No, not initially.

9 Q. Okay. When did it become that you became
10 pretty much dedicated completely to the Dana Jarvis
11 drug case as it relates to your initial
12 investigation?

13 A. An approximate date?

14 Q. Yeah.

15 MR. BRAUN: I would object to the
16 relevance of this.

17 MR. BLACKBURN: Well, Your Honor, he
18 started out with tendering -- okay, when did you
19 start working on this in 2002, and what did you do?
20 And I'm trying to figure out how it relate to his
21 investigation as to how it relates to these
22 conspiracies.

23 THE COURT: I'm not quite sure I follow
24 what you just said. Could you --

25 MR. BLACKBURN: I was just saying that

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1 when Mr. Braun first started, there was the initial
2 colloquy of having him being introduced as to his
3 familiarity with the Dana Jarvis organization. And
4 he started with what he did in 2002 and asked a few
5 things and then moved to 2005 as it relates to
6 wiretaps and seizures.

7 I'm just trying to go back and see what
8 there was during those periods of time as it relates
9 to this because it relates to his knowledge of this
10 particular organization that he's testifying about
11 as relates to whether or not there was a Jarvis
12 conspiracy. That's all I'm doing. I'm cleaning up
13 his background information.

14 MR. BRAUN: But whether he was working
15 exclusively on this case or other cases is not
16 relevant to that inquiry, Your Honor. And that was
17 his question.

18 THE COURT: The question was about when
19 he -- as I understood your question anyway, you
20 asked about when this case became his primary
21 assignment, or words to that effect.

22 MR. BLACKBURN: Okay. I'll rephrase it.

23 Q. (By Mr. Blackburn) After you first got the
24 initial contact in 2002, what was the first issue
25 that you did as it relates to the investigation of

1 the Jarvis drug organization when you first started
2 this matter?

3 A. It was in 2002. I can't tell you the
4 exact nature, but generally I can say that this
5 began as any other investigation, with information.
6 And then you slowly build, corroborate, build, get
7 that information. And then as the investigation
8 gets larger and larger and larger, more and more
9 resources are dedicated to that case.

10 Q. All right. Obviously, Mr. Nash went over
11 some of this stuff about cooperating witness and
12 cooperating individuals and when certain things
13 happened as to what was a handoff, as opposed to
14 your basic hands-on investigation, I guess, as
15 opposed to historical matters.

16 One of the things that you talked about
17 obviously in the beginning was with Ms. Hanna,
18 Barbara Hanna. Do you remember that testimony?

19 A. Right.

20 Q. And you talked about the information that
21 you learned from her concerning how she first became
22 involved in this in the 1990s; is that correct?

23 A. That is correct.

24 Q. And starting in Boston as a call girl;
25 correct?

1 A. That is right.

2 Q. When did you first learn the information
3 that came from Ms. Hanna? Was that through your
4 individual interview with her concerning how she
5 first became involved in the Jarvis organization?

6 MR. BRAUN: Objection. When Agent Stark
7 became aware of certain information is not relevant
8 to the question of whether a conspiracy existed in
9 this case and whether these defendants were members
10 of that conspiracy.

11 MR. BLACKBURN: Well, maybe I'm just
12 premature for the next hearing that's getting ready
13 to happen, so I will rephrase that question at this
14 point in time.

15 THE COURT: All right.

16 Q. (By Mr. Blackburn) Let me do it this way.
17 When was the first time you ever received
18 information concerning Greg Hill?

19 A. I would have to go back through our
20 investigation and all the reports. But we had
21 information that there was an individual in
22 Bloomington, Indiana, that was distributing large
23 quantities of marijuana and also shipping back large
24 sums of cash. And at some point in the
25 investigation we were able to identify Mr. Hill as

1 that individual.

2 Q. And when was it that you identified him as
3 being that individual?

4 A. This has been a long case. And to put a
5 date on that specific incident at this point would
6 be . . .

7 Q. When is it your belief, as the agent in
8 charge of this case, that Mr. Hill joined -- I guess
9 it's your testimony today that Mr. Hill was
10 obviously involved in this Dana Jarvis drug
11 organization, as you call it; is that correct?

12 A. That is correct.

13 Q. According to your testimony and your
14 knowledge, when was it your belief that Mr. Hill
15 joined the conspiracy?

16 A. Well, I know that we had cooperating
17 defendant witness testimony. For instance, Donald
18 Trujillo that delivered, you know, multi, multi,
19 multihundred-pound quantities to Mr. Hill's
20 residence, his Ramp Creek --

21 Q. At the Ramp Creek residence?

22 A. Yes. And we also have other cooperating
23 independent witnesses that took bulk marijuana to
24 Mr. Hill. And I would have to review their witness
25 statements to put the exact date as far as when --

1 well, we believe Mr. Hill had been a long-time drug
2 associate of Mr. Jarvis.

3 Q. And what I have gathered here today is you
4 have the information basically that was tendered as
5 to how you would bring Mr. Hill into this conspiracy
6 as it relates to at least today's testimony from the
7 incident from Ayla Jarvis in October of 2004; is
8 that correct? The flight from Tucson to Oklahoma
9 City and from Oklahoma City to Bloomington and the
10 Cracker Barrel --

11 A. Are you saying that's how we brought him
12 into the conspiracy?

13 Q. No. I'm saying that's one of the
14 incidents that you're talking about as it relates
15 Mr. Hill to this drug trafficking organization,
16 correct?

17 A. That's one instance.

18 Q. Okay. And then you talked about the
19 situation also with Donald Trujillo, that there was
20 a load that was seized in May of 2005 in Omaha,
21 Nebraska, that Mr. Trujillo now tells you was being
22 destined for Bloomington, correct?

23 A. That is correct.

24 Q. And the subsequent telephone call or
25 wiretap at or near that time between Mr. Jarvis and

1 Mr. Hill concerning Donald and what happened to
2 Donald, so as to say, right?

3 A. Correct.

4 Q. Is that correct?

5 A. Right.

6 Q. And are there other defendant cooperators
7 who have been indicted other than Ayla and Donald
8 that have indicated to you that Mr. Hill was
9 involved in this drug trafficking organization?

10 A. Yes.

11 Q. And who are those?

12 A. I don't know if this is a full list, but I
13 can say that Geno Berthod also distributed --
14 transported marijuana to Mr. Hill.

15 Q. Also known as Old Man, right?

16 A. That is correct. And as a matter of fact,
17 the money that was seized from Ayla Jarvis in
18 October of 2005 that Mr. Hill delivered to her had a
19 slip of paper in it that said Old Man, and there
20 were some figures as well.

21 Q. Hold that thought for a second. Just to
22 make sure, I want to make sure that we've got --
23 when you initially testified, you said it was this
24 talking about the seizure from the Cracker Barrel of
25 the \$287,000, I think you initially said October of

1 2004.

2 A. And you know what? I'm going to have to
3 review that. I've got the record. It's '04, I
4 think, or did I just say '05?

5 Q. Yeah. You said '04 one time, and you said
6 '05 another time.

7 THE WITNESS: I apologize to the Court.

8 Q. (By Mr. Blackburn) All right. I'm sorry.
9 I didn't mean to interrupt you about Geno, okay?

10 A. So Geno -- and I would have to review
11 other -- everybody else that's testified. But
12 that's what -- oh. And I believe I'd have to review
13 Dan Shulman's testimony as well.

14 Q. All right. Let me go back. When you were
15 talking about Barbara Hanna, you indicated the
16 information that you found out about her in Boston.
17 And then it was the 1992 seizure of the \$25,000 in
18 Dallas, correct?

19 A. That is correct.

20 Q. And then you said in late 2001, 2002, that
21 she was involved in bringing money back. At one
22 point in time you said that she was involved in
23 taking money to and from Bloomington, Indiana, or
24 you mentioned a number of places. But you said
25 Bloomington, Indiana.

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1 Did she specifically tell you that she was
2 involved with Greg Hill, as it relates to her role
3 in the Jarvis drug organization, in taking money or
4 marijuana to Mr. Hill in Bloomington, or was there
5 somebody else in Bloomington?

6 A. No. She described the person that she
7 picked the money up from as a big, hairy guy. I
8 believe that's all she could identify.

9 Q. All right. Was there ever any information
10 that you had in the course of your investigation
11 that indicated that there may be somebody else
12 involved with Mr. Jarvis starting from 1990 to 2005
13 that he may have been supplying marijuana to in
14 Bloomington, Indiana, who was identified in that
15 area, other than Greg Hill?

16 A. Our indication was that Mr. Jarvis had an
17 associate in Bloomington, Indiana, that he used to
18 deliver bulk marijuana to and that Mr. Hill then
19 took over that position for that individual.

20 Q. Okay. And so now I'm going to go back and
21 ask the same question. Do you know, based upon that
22 information, when Mr. Hill took over?

23 A. I couldn't put a date on it right now.

24 Q. All right. But it wasn't obviously in the
25 early 1990s and 1992? We're not talking about that

1 time period, are we?

2 A. I don't believe so.

3 Q. All right, okay. So Ms. Hanna was talking
4 about a big, hairy guy, correct?

5 A. Correct.

6 Q. All right. And the situation with Ayla
7 Jarvis and the \$287,000 in October of '04 or '05 --
8 but I think it's really '04 -- that was a handoff
9 that you all did to the Indiana police; is that
10 correct?

11 A. Well, I wouldn't call it a handoff. The
12 Indianapolis DEA office had been working with us
13 from the time we had information that there may be
14 drug trafficking in Indianapolis. I brought
15 everybody on line. And that was simply passing on
16 information that okay, we believe something is
17 happening right now.

18 And they set up -- they established
19 surveillance on the airport. They worked with us
20 throughout the investigation.

21 Q. The investigation, all right. And other
22 than what you have mentioned here today about the
23 surveillance in Bloomington at the Cracker Barrel
24 and the subsequent stop of Ayla and her
25 conversations and the subsequent conversations that

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1 occurred out at the airport and Mr. Reid calling the
2 trooper and stuff, your investigation did not
3 reveal, did it, that any contact was made with
4 Mr. Hill at the time to seize any items he had in
5 his vehicle or anything that related to something
6 that may be in his house during that October 2004
7 period of time; is that correct?

8 A. I'm not sure what you're asking.

9 Q. For instance, Ayla Jarvis was pulled over.
10 You knew that there was a -- you were under the
11 belief that this was a load of marijuana leaving
12 Tucson and going to Oklahoma City, Oklahoma, because
13 you were trailing the plane?

14 A. We actually believed that it was a money
15 pickup.

16 Q. I'm sorry, a money pickup. And then
17 Ms. Jarvis was stopped or detained after making an
18 illegal U-turn wherein this money was discovered,
19 correct?

20 A. Correct.

21 Q. All right.

22 A. And she stated she got it from a guy named
23 Greg.

24 Q. Okay. And my question was: To your
25 understanding, did the Indianapolis police or

1 anybody do anything else associated with Mr. Hill at
2 that time concerning pulling him over for an illegal
3 U-turn or trying to detain him or search anything in
4 his vehicle or anything in his house subsequent,
5 within the next week or two?

6 A. It wasn't really the Indianapolis police.
7 It was it was a trooper that was under the direction
8 of DEA agents. And DEA started two cases, one on
9 Greg Hill to wall things off, and also to establish
10 a case on Ayla Jarvis.

11 Q. All right. So prior to that time -- you
12 know, I'm trying to focus on it now -- had you heard
13 of the name Greg Hill, or had that name come up in
14 your investigation as his involvement in this
15 conspiracy prior to this October 28, 2004, incident
16 that happened in Bloomington at the Cracker Barrel?

17 A. I believe the name Greg had come up; the
18 name Oso, which is Bear.

19 Q. Oso or Ocho?

20 A. Well, Donald Trujillo remembered it as
21 Ocho; other people remembered it as Oso, Bear.

22 There was also a seizure of bulk US
23 currency, \$400,000, from Jude Austin and Cara Gold,
24 and I can't remember the date. And there was a slip
25 of paper in there, Bear.

1 Q. All right. So we've got differences
2 between Ocho, which is eight, and Oso, which some of
3 them were calling Bear; is that correct?

4 A. Ocho, Oso; it sounds pretty similar.

5 Q. Was there any reason to believe during the
6 course of your investigation that there was somebody
7 else who may have also been identified in the area
8 of Bloomington or in Kentucky who may have been also
9 known as Bear?

10 A. No. The individual known as Bear, our
11 investigation revealed, what information we have, is
12 that it was Greg.

13 Q. It was Mr. Hill? All right.

14 Any information that you had in the course
15 of the investigation that indicated that Mr. Hill
16 had any direct communications with the two remaining
17 defendants in this case, Mr. Reid and/or Mr. Osgood?

18 A. I don't believe so.

19 MR. BLACKBURN: Okay. May I have a
20 second, Your Honor?

21 THE COURT: You may.

22 MR. BLACKBURN: I have nothing further,
23 Your Honor, at this time.

24 THE COURT: All right. Thank you,
25 Mr. Blackburn.

1 Ms. Sirignano.

2 MS. SIRIGNANO: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. SIRIGNANO:

5 Q. Agent Stark, can you tell me when
6 Mr. Osgood joined the conspiracy in the Jarvis drug
7 trafficking organization?

8 A. I can't give you the exact date. He was
9 one of his oldest associates.

10 Q. And what do you mean by associate?

11 A. Drug associate.

12 Q. Okay. What does that mean to you?

13 A. A person who distributed or purchased
14 marijuana from Mr. Jarvis and then distributed it or
15 was associated with the drug organization.

16 Q. And what evidence do you have that he
17 purchased marijuana and distributed it on behalf of
18 Mr. Jarvis?

19 A. We have cooperating defendant witness
20 statements. We have witness statements. We have
21 all the evidence in the form of ledgers, things like
22 that.

23 Q. Okay. Let's talk about the cooperating
24 witness statements. You referred to one today, this
25 DW 20 or J.D. LaMonte; is that right?

1 A. That is correct.

2 Q. Okay. And I reviewed this report briefly
3 that I got yesterday. And can you explain to me how
4 this Mr. LaMonte is tied into the Jarvis drug
5 trafficking organization?

6 A. Mr. LaMonte is tied into the organization
7 through Mr. Osgood, in the sense that Mr. Osgood
8 directed Mr. LaMonte where to go to pick up the bulk
9 marijuana in Pennsylvania and gave him directions.
10 He told him the key would be on the front driver's
11 side tire.

12 He would talk in code. He said, "It's
13 green. You know where to go," gave him the color of
14 the van and gave a license plate. Mr. LaMonte would
15 go pick up the van, and then Mr. Osgood would direct
16 him where to deliver that van, and he would repeat
17 the process.

18 He would drop the van off and leave the
19 key on the front tire, or he would actually take it
20 to his residence and store it there and/or inventory
21 it for Mr. Osgood.

22 Q. And what year was this?

23 A. 2000. I believe 2000, 2001.

24 Q. And so what was Mr. Jarvis' role in all of
25 this?

1 A. Mr. Jarvis was the head of the
2 organization that then brokered marijuana purchases
3 from sources of supply in the Republic of Mexico and
4 then distributed that marijuana to other dealers,
5 who then took that marijuana and distributed it to
6 other individuals throughout the United States.

7 Q. Okay. So let's break this down
8 specifically then, because I fail to see any mention
9 of Mr. Jarvis in this DEA 6 that you gave me.

10 Who did -- tie in Jarvis for me with
11 Mr. Osgood in 2000 with Mr. LaMonte specifically.

12 A. Specifically?

13 Q. Yes.

14 A. The individual that transported bulk US
15 currency from the different distribution sites
16 throughout the United States, one of them, his name
17 was Rafal Mistrzak, whose nickname was Alex. That
18 is the individual that Mr. Osgood directed
19 Mr. J.D. LaMonte to meet with and to furnish US
20 currency that was the proceeds of drug distribution
21 on the East Coast.

22 Q. And that was in 2000?

23 A. And that was in 2000.

24 Q. And do you know if Mr. LaMonte knew Rafal
25 Mistrzak?

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1 A. He did not know him as Mistrzak. He knew
2 him as Alex, which was his code name not only in the
3 organization, but his drug name in the drug ledgers
4 as well.

5 Q. So LaMonte knew Alex then?

6 A. I wouldn't say knew him. He met with him
7 and passed bulk US currency to that individual.

8 Q. Okay. I'm sorry, I'm not following you.

9 When did Alex meet with LaMonte?

10 A. On several different occasions in
11 Middletown, New York.

12 Q. What dates?

13 A. I don't have those dates.

14 Q. Is it fair to say that it could have been
15 way past the year 2000?

16 A. 2000? Well, I doubt it because
17 Mr. LaMonte videotaped one of the loads that he
18 picked up for Mr. Osgood. And that video has a
19 time/date stamp of November 18th, 2000, I believe.
20 And so I believe that he probably met with Alex in
21 2000 and 2001. He said he was involved in 2000 and
22 2001.

23 Q. He was involved -- LaMonte was involved in
24 2000 and 2001?

25 A. Correct.

1 Q. I'm having difficulty, though, tying the
2 dates in here with this overarching conspiracy that
3 you described previously.

4 Isn't it possible that these dropoffs in
5 Middletown, New York, happened way past 2000; that
6 they were more into 2004 and 2005, when the wiretap
7 was up?

8 A. I'll bet there were additional ones, yes.
9 The ones that Mr. LaMonte personally handled, he
10 believed, were in 2000 and 2001. But we believe
11 Mr. Osgood was involved in the distribution of
12 marijuana through 2004 and 2005 as well.

13 Q. Okay. So what direct evidence do you have
14 that links Mr. LaMonte with the Jarvis drug
15 trafficking organization?

16 A. Mr. Osgood.

17 Q. Okay.

18 A. And Mr. Mistrzak.

19 Q. So you don't have any evidence that
20 LaMonte actually knew Mr. Jarvis himself?

21 A. LaMonte said he did not know. He said
22 that Mr. Osgood worked for somebody else. He made
23 comments. When they were doing things certain ways,
24 he would be like, "Don't do that because the boss
25 won't like that," things like that. So he indicated

1 that Mr. Osgood was actually working for someone
2 else.

3 Q. And who was that?

4 A. Our through our investigation, we believe
5 that was Mr. Jarvis. And Mr. LaMonte never met
6 Mr. Jarvis.

7 Q. So the only link that you have to the
8 Jarvis organization or to Mr. Jarvis himself is
9 through Mr. Osgood, correct?

10 A. Mr. Osgood was one of his distributors on
11 the East Coast of the United States, yes.

12 Q. But in what year was that? What years are
13 you talking about?

14 A. We were told Mr. Osgood was one of his
15 oldest clientele or distributors. And actually, the
16 drug ledgers confirm it as well.

17 Q. Yes. But the drug ledgers are years
18 later, in 2004, 2005, correct?

19 A. Correct.

20 Q. So I'm back in 2000, 2001 with
21 Mr. LaMonte. Isn't it fair to say that it's a
22 possibility that the marijuana that Mr. LaMonte had
23 photographed himself in front of did not come from
24 the Jarvis drug trafficking organization?

25 A. I don't believe so. It was wrapped as the

1 Jarvis organization wrapped it. The bale numbers
2 were on it, the weights were on it; very similar.
3 And it's my belief that those drugs were from
4 Mr. Jarvis.

5 Q. But you don't have any evidence either of
6 Mr. LaMonte himself stating that the marijuana came
7 from the Jarvis drug trafficking organization?

8 A. Mr. LaMonte stated he worked for
9 Mr. Osgood. And he met with Rafal Mistrzak a/k/a
10 Alex in Middletown, New York, and delivered bulk US
11 currency. That's the statements from Mr. LaMonte.

12 Q. And when did he meet Rafal, Mr. Mistrzak,
13 in Middletown, New York?

14 A. Several times. I believe it was on three
15 or four occasions he met and passed on bulk US
16 currency.

17 Q. What years are we talking about?

18 A. 2000, 2001.

19 Q. Do you have any evidence that shows
20 Mr. Osgood knew Mr. Mistrzak?

21 A. I would have to review what we have. It's
22 a very large, complex case, and I couldn't testify
23 to that today.

24 Q. So you can't testify to any evidence that
25 Osgood knew Mr. Mistrzak?

1 A. I couldn't testify as to what proof we
2 had, no.

3 Q. Okay. Let's talk a little bit about
4 Mr. LaMonte. Can you tell me what his criminal
5 history is?

6 A. I cannot.

7 Q. Isn't it true that he's been locked up
8 most of his life?

9 A. I know he has a substantial criminal
10 history.

11 Q. And he did some time in California as a
12 very violent felon?

13 A. I don't have his report in front of me,
14 and I can't testify to that.

15 Q. What were the circumstances surrounding
16 his debrief with the government?

17 A. In searching for Mr. Osgood, the United
18 States Marshals Service in New York developed a lead
19 somehow -- I don't know the details about it -- that
20 led them to Mr. LaMonte. Mr. LaMonte then provided
21 some information that ultimately led to the capture
22 of Mr. Osgood.

23 Q. Were those reports turned over to the
24 government?

25 A. I don't believe there were any reports.

1 Q. The Marshals Service didn't write any
2 reports regarding Mr. Osgood's capture?

3 A. I think they talked to -- as far as the
4 arrest, when Mr. Osgood was captured in the state of
5 Colorado. But I believe that they obtained a name
6 that Mr. Osgood may have been using as an alias, and
7 I believe that led to Mr. Osgood's capture.

8 Q. Did the Marshals Service write a report
9 regarding their interview with Mr. LaMonte?

10 A. No, they did not. They asked that I come
11 out and interview him.

12 Q. And when did you do that interview?

13 A. That was early February.

14 Q. Is Mr. LaMonte working off any charges to
15 provide this information to the DEA or the Marshals
16 Service?

17 A. Not to my knowledge. I don't know the
18 circumstances regarding that.

19 Q. Has anyone contacted Mr. LaMonte -- any
20 prosecutors that have charged Mr. LaMonte? And is
21 he going to get a benefit from providing this
22 testimony to the government?

23 A. I don't know any details about that.

24 MR. BRAUN: Your Honor, first of all, I
25 would object to the relevance of that for the

1 purposes of this hearing.

2 But to the extent it is relevant, I would
3 proffer that in fact Mr. LaMonte was provided a
4 benefit. I believe he was charged with some sort of
5 aggravated assault initially that he was in custody
6 on.

7 The DA's office out in Middletown, New
8 York, agreed to allow him to plead to a misdemeanor
9 in exchange for his cooperation in this case. And
10 so his sentence was substantially reduced because of
11 his cooperation.

12 But I don't believe his credibility is
13 necessarily relevant for this hearing. That will,
14 of course, all be produced in advance of trial, in
15 accordance with the Court's standing discovery
16 order.

17 THE COURT: All right. Thank you,
18 Mr. Braun.

19 MS. SIRIGNANO: Your Honor, I just would
20 like to make a record that his credibility is
21 absolutely relevant at this hearing and at any
22 hearing down the road and at trial and that the
23 evidence that the government has obtained from
24 Mr. LaMonte has been procured under what Mr. Braun
25 called a substantial benefit for sentencing.

1 And they raised it, and I'd like to
2 inquire more about Mr. LaMonte.

3 THE COURT: Well, I'm not sure what you
4 want to ask. But you can ask your questions, and
5 we'll take it from there.

6 MS. SIRIGNANO: Thank you, Your Honor.

7 Q. (By Ms. Sirignano) Regarding Mr. LaMonte,
8 isn't it possible that he was doing this on behalf
9 of a boss? You mentioned a boss. That it could
10 have been someone else providing the marijuana,
11 perhaps a family member or someone else on the East
12 Coast?

13 A. He stated that his boss, as far as the
14 bulk marijuana that he transported, was George
15 Osgood. He said that he was supplied by Mr. Osgood.
16 And he actually mentioned that his mother was a drug
17 trafficker and he was a drug trafficker, and
18 Mr. Osgood supplied them.

19 Q. What was his mother's involvement with
20 Mr. Osgood?

21 A. They had been long friends and drug
22 traffickers and associates for many years. He said
23 that Mr. Osgood would supply his mother with drugs
24 to sell. And when Mr. Osgood was out, his mother
25 would supply Mr. Osgood. It was kind of a -- he

1 described his growing up in a quote, unquote,
2 cornucopia of drug use.

3 Q. Did his mother get the marijuana from the
4 Jarvis organization?

5 A. Ultimately his mother was arrested, I
6 believe, with 5 pounds of marijuana that Mr. LaMonte
7 took from the bales that he had picked up and
8 transported for Mr. Osgood. And then she picked up
9 5 pounds of marijuana and left and was arrested with
10 that 5 pounds.

11 Q. But where did the marijuana come from
12 initially?

13 A. It came from Mr. Osgood's direction of
14 where to pick it up. He would pick it up at like a
15 rest stop or a truck stop or something in
16 Pennsylvania. And he knew where to go. And he was
17 directed to go to that location and pick up a van, a
18 minivan, with bulk marijuana that was wrapped as
19 described earlier and placed in duffle bags.

20 Q. But isn't it true that you don't have any
21 evidence that links that to the Jarvis organization?
22 Osgood could have gotten it from anybody on the East
23 Coast, correct?

24 A. The fact that the proceeds from the
25 distribution of that bulk marijuana were then sent

1 back through Rafal Mistrzak I think deifies that
2 claim.

3 Q. So what evidence do you have that that
4 specific load that was picked off the mother went
5 back to Rafal Mistrzak?

6 A. No. I think you're getting confused. The
7 5 pounds that Mr. LaMonte's mother was arrested with
8 came from Mr. LaMonte that he broke off one of the
9 bales that he picked up from Mr. Osgood.

10 Q. That he picked up directly from Osgood, or
11 from a location?

12 A. No, at Osgood's direction.

13 Q. Correct. So where did the marijuana come
14 from? You don't have any evidence to say that
15 Osgood got that marijuana from Jarvis, correct?

16 A. Mr. LaMonte's information was that he
17 would go to Pennsylvania, pick up a van at
18 Mr. Osgood's direction, and then take that to a
19 certain location per Mr. Osgood's direction.

20 Q. But you're not answering my question. You
21 don't have any evidence that that marijuana that
22 Osgood directed LaMonte to pick up came directly
23 from the Jarvis organization, do you?

24 A. That the specific bales came directly from
25 Dana, no.

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1 Q. You also in your report stated in
2 paragraph 21 that you did a photo spread, or you
3 showed several photographs of individuals involved
4 in the Jarvis drug trafficking organization to
5 Mr. LaMonte, correct?

6 A. That is correct.

7 Q. And was it a photo spread?

8 A. No.

9 Q. What kind of photos were shown?

10 A. It's driver's license photos.

11 Q. Individual photos?

12 A. Individual photographs.

13 Q. And who was Mr. LaMonte able to recognize?

14 Well, let me go -- let me ask a better question.

15 Whose photos did you show him?

16 A. I showed him a whole range of photographs.

17 And the only person that Mr. LaMonte was able to
18 identify from those photographs was Mr. Osgood.

19 Q. Okay. When you say a range of photos,
20 which persons did you show him?

21 A. There's, I believe, 50 or 80 different
22 photographs.

23 Q. Did that include Dana Jarvis?

24 A. It did.

25 Q. Did it include Mr. Hill?

1 A. It did.

2 Q. Did it include Mr. Wilson?

3 A. It did.

4 Q. Did it include Mr. Nash's client?

5 A. It did.

6 Q. Did it include Mr. Mistrzak?

7 A. Yes, it did.

8 Q. Did it include all the named defendants in
9 the indictment, the superseding indictment, that's
10 before the Court?

11 A. Yes.

12 Q. Okay. So it's fair to say that he wasn't
13 familiar with anybody in the Jarvis drug trafficking
14 organizations, except for Mr. Osgood, correct?

15 A. That is correct. And with Mr. Mistrzak,
16 he could not identify Mr. Mistrzak a/k/a Alex from
17 the driver's license photograph.

18 Q. Okay. And so I'm sorry to have to go back
19 to this because I'm still not up on all the
20 discovery. How many times did Mr. LaMonte meet
21 Mr. Mistrzak?

22 A. I believe it's in the report. And to my
23 memory, it was three to four or four to five,
24 something like that.

25 Q. In the report that I was given yesterday?

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1 A. That is correct.

2 THE COURT: We're going to have to break
3 about now. I'm going to -- I have another matter I
4 need to attend to. So we'll reconvene at 1:30.

5 MS. SIRIGNANO: Thank you, Your Honor.

6 Lunch.

7 (Court in recess from 11:30 to 1:31.)

8 MS. SIRIGNANO: Thank you, Your Honor.

9 Good afternoon, Agent Stark.

10 THE WITNESS: How are you?

11 MS. SIRIGNANO: Good, thank you.

12 Q. (By Ms. Sirignano) I think we were talking
13 about LaMonte, J.D. LaMonte. So if I recollect
14 properly, you had testified that Mr. Osgood would
15 supply Mr. LaMonte's mother, and then Mr. LaMonte's
16 mother would supply Mr. Osgood at times; is that
17 correct?

18 A. Yes. He said that in the old days, which
19 was prior to the 2000/2001 time frame -- he stated
20 that his mother trafficked in drugs and was supplied
21 by Mr. Osgood. And then if Mr. Osgood was out, his
22 mother would supply him. You know, he didn't talk
23 about himself at that point.

24 Q. Okay. And you said drugs, correct?

25 A. Correct.

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1 Q. So we're talking about LSD, mushrooms,
2 cocaine, methamphetamine?

3 A. He quote, unquote, stated that it was a
4 cornucopia of drug use.

5 Q. And is there any evidence that the Jarvis
6 drug trafficking organization trafficked LSD, coke,
7 methamphetamine and mushrooms as well, during that
8 time?

9 A. No.

10 Q. So it's fair to say that Mr. LaMonte's
11 mother was a source of supply as well, correct?

12 A. She was a source -- yeah, I would, yes.

13 Q. And independent of the Jarvis drug
14 trafficking organization?

15 A. Yes.

16 Q. Did you speak to Mrs. LaMonte?

17 A. No, ma'am.

18 Q. Do you know her first name?

19 A. No, ma'am.

20 Q. Is she still alive?

21 A. I believe so. As a matter of fact, yes,
22 she is.

23 Q. Can you tell us where Mr. Osgood is in the
24 hierarchy of the Jarvis drug trafficking
25 organization?

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1 A. Mr. Jarvis, as I stated before, you know,
2 brought the bulk marijuana in from the Republic of
3 Mexico. And I think the best way to describe it is
4 he distributed the bulk marijuana to certain cells
5 around the country. And Mr. Osgood was part of that
6 cell in New York and Connecticut.

7 Q. What years?

8 A. Depending on who you ask within the
9 organization, from 1998, '99 on. Some people say he
10 had been with Mr. Jarvis for 35 years.

11 Q. And Mrs. LaMonte wasn't in the hierarchy
12 of the Jarvis drug trafficking organization?

13 A. No. I think she was a completely separate
14 entity.

15 Q. Do you know if Mrs. LaMonte was directing
16 J.D. LaMonte at any time?

17 A. I don't know that, no.

18 Q. Is it possible that Mrs. LaMonte was the
19 one that was orchestrating this marijuana that you
20 outlined in your report, instead of Mr. Osgood?

21 A. I don't believe so. I think he would have
22 stated that, you know, my mom directed me to do
23 such-and-such.

24 And he stated that Mr. Osgood gave him
25 directions where to pick the bulk marijuana up,

1 where to store it, to inventory it. He stated that
2 the boss is going to need those numbers from the
3 inventory. And then he also directed Mr. LaMonte to
4 meet with Alex, which we know as Rafal Mistrzak.

5 Q. And let's talk about that. You testified
6 that Mr. J.D. LaMonte couldn't identify Alex or
7 Rafal Mistrzak, correct?

8 A. From the driver's license photograph that
9 we showed him at the time, he could not identify him
10 from that photograph.

11 Q. So it's fair to say there's a number of
12 Alexes probably living in Middletown or who had
13 lived in Middletown anywhere during that time frame
14 of 2000/2001?

15 A. Well, he described the vehicle that Alex
16 was driving. He said it was a dark-colored Honda or
17 Acura. And I know for a fact that Mr. Mistrzak
18 drove a dark-colored Honda.

19 Q. You also referred to the packaging of the
20 marijuana that was the subject of your report with
21 Mr. LaMonte. And in your last testimony, you said
22 it was consistent with the Jarvis drug trafficking
23 organization; is that right?

24 A. That is correct.

25 Q. And so can you explain what that signature

1 would be and what kind of packaging is consistent
2 with the Jarvis drug trafficking organization?

3 A. Primarily before they started flying
4 product aboard the aircraft, the bulk marijuana was
5 packaged primarily in duffle bags, dark-colored
6 duffle bags, and then placed in minivans.

7 And then they used things they called
8 props to put on top of the duffle bags, whether it
9 be, you know, kegs of beers, pipes, fishing gear,
10 things like that, to disguise what was underneath
11 the props.

12 In addition, the loads were wrapped in
13 cellophane, standard cellophane and contact paper.
14 The bale numbers were written on the bales, and the
15 weights of the bales were written on them as well.

16 Mr. LaMonte stated that he picked up
17 minivans. The bulk marijuana was packaged in duffle
18 bags, props were on top of them, and the marijuana
19 was packaged as described.

20 Q. But there was a variance in Mr. Jarvis'
21 signature packaging in terms of you testified that
22 some of the times, the cellophane was thin or wasn't
23 packaged?

24 A. Actually, that was a rare occasion. That
25 stuck out in Ayla Jarvis' mind. She was very

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1 worried for her father because the bulk marijuana
2 was packaged so thinly that time that was placed in
3 the suitcases.

4 And as a matter of fact, in the phone
5 conversation that she had with Adrian Sanford
6 afterwards, she said, "We had never done it this
7 way." It was either with her father or Adrian. But
8 in one of those conversations, she said, "We've
9 never packaged it like this before."

10 Q. And another difference would be duffle
11 bags versus suitcases, correct?

12 A. Duffle bags was the primary way that the
13 marijuana was transported across the country in
14 vehicles. And then when they began flying product
15 aboard the aircraft, that's when they switched to
16 suitcases.

17 Q. Going back to Mr. Jarvis' or Mr. Osgood's
18 role in the organization, you said that he ran a
19 cell in the New York/Connecticut area, correct?

20 A. That is correct.

21 Q. And so who did he work directly for?

22 A. Mr. Jarvis.

23 Q. And what was his job?

24 A. Well, he distributed marijuana on the East
25 Coast of the United States and then funneled that

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1 money back to Mr. Jarvis. The drug proceeds were
2 then funneled back to Mr. Jarvis. And then more
3 marijuana was shipped out to Mr. Osgood to
4 distribute to make a profit on.

5 Q. So are you alleging that he -- I'm just
6 trying to clarify your statement. Are you alleging
7 that he was the one actually doing the distribution
8 and the money back to Mr. Jarvis, or what's his
9 exact role?

10 A. Well, as a distributor, you then pass that
11 marijuana on either to individuals that then sell
12 for you or you sell it directly. And as a
13 distributor, you are then responsible for getting
14 money back from whoever you gave the marijuana to
15 and then passing that money back to your source of
16 marijuana.

17 Q. And you have evidence that Mr. Osgood did
18 both?

19 A. Well, yes.

20 Q. Okay. What years?

21 A. Well, like I said, depending on who you
22 speak with. Some people said that Mr. Osgood had
23 been working with Mr. Jarvis for 35 years. Other
24 people that came in, for instance, Joseph Martin,
25 said that Mr. Osgood -- that he started working for

1 the organization in approximately '98 or '99. He
2 said that they were shipping 3- to 400-pounds to
3 Mushroom George, which was a/k/a George Osgood, 3-
4 to 400-pounds at a time.

5 Ayla Jarvis delivered 100 pounds to
6 Mr. Osgood and placed it in the trunk of his car in
7 the state of Pennsylvania.

8 Donald Trujillo, as I testified to
9 earlier, picked up marijuana from Mr. Osgood and
10 brought it back. George Ripley took marijuana
11 directly to Mr. Osgood.

12 Q. Let's talk about Donald Trujillo. I got a
13 little confused here with Donald Trujillo and
14 Russell Trujillo. Your prior testimony was that, if
15 I'm correct, Donald Trujillo picked up 100 pounds in
16 New York and drove it to Columbus, Ohio, through a
17 circuitous route and went to Chicago; is that
18 correct?

19 A. That is correct.

20 Q. So what year was that?

21 A. I believe it was sometime after 2000,
22 between 2002 and 2005.

23 Q. Can you narrow it down a little bit?

24 A. No, not today. I don't know if
25 Mr. Trujillo placed the date on that load.

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1 Q. And I was following your testimony. Did
2 that involve Mr. Reid at all?

3 A. Did what?

4 Q. That hundred pounds in New York and drove
5 it to Columbus, Ohio, did that involve Mr. Reid?

6 A. Not to my knowledge.

7 Q. No? Okay. Who else was there during this
8 delivery?

9 A. I think the information from Donald
10 Trujillo was that he picked up a load from
11 Mr. Osgood and took it to Columbus, Ohio. I don't
12 know if we have any other information if anybody
13 else was there at the time.

14 Q. Okay. How many pounds are we talking
15 about?

16 A. I believe I testified that it was
17 100 pounds of marijuana from New York to Columbus,
18 Ohio, that eventually wound up in Chicago, Illinois.

19 Q. The load ended up in Chicago, Illinois?

20 A. Yeah. It was taken to Columbus, Ohio.

21 It's a little confusing because I think they picked
22 up another 250 pounds. Whether that was added to it
23 or not, that's what I'm not sure about. But it
24 eventually wound up in Chicago.

25 Q. And who was the contact in Chicago?

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1 A. I don't know.

2 Q. Did the DEA ever do any organizational
3 charts about the Jarvis drug trafficking
4 organization say in 2000?

5 MR. BRAUN: Objection, relevance.

6 MS. SIRIGNANO: It goes directly to the
7 conspiracy, Your Honor. Who was in the conspiracy?

8 THE COURT: The objection is overruled.

9 A. We had, you know, pages up on the wall
10 that we would list people's names and their roles
11 within the organization.

12 Q. (By Ms. Sirignano) And so your indictment
13 alleges from 1990 through 2005. How many different
14 organizational charts did you do?

15 A. I think there was only one the whole time.
16 We just added to things and took things away.

17 Q. Was that produced to the government?

18 A. Pardon?

19 Q. Was that produced to the defense, your
20 organizational chart?

21 A. I don't believe so. I think it's just a
22 working product that the agents used.

23 Q. You testified earlier today and just now
24 that the drug trafficking organization would change.
25 People would come in and people would leave the

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1 group; isn't that correct?

2 A. There were certain individuals that would
3 come into an organization and then leave. Other
4 individuals would come. And you know, when they
5 left, they left for good. But the core group of
6 people in this organization stayed the same.

7 And there were other individuals, you
8 know, throughout the conspiracy that were in and out
9 of the organization. But the core group of people
10 within that organization pretty much stayed the
11 same.

12 Q. And who would you consider the core group?

13 A. I'd have to look at a list of names. But
14 Dana Jarvis, Cathy Fitzgerald. There was Joe
15 Martin, George Osgood, Greg Hill; most of the
16 people, you know, that were listed on the
17 indictment. I'd have to look at the names.

18 But there were a lot of old time
19 individuals, George Ripley, that pretty much stayed
20 the same.

21 Q. And did these people have roles, like
22 enforcers or protectors or bosses, anything like
23 that?

24 A. Yes. Early on in the organization, I
25 believe that the roles were a little bit more

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1 clearly defined in the sense that, for instance,
2 Geno Berthod said -- he was another core person; Dan
3 Shulman. But he said that his role was to take bulk
4 marijuana from Colorado to Bloomington, for
5 instance, and that was his role. His role wasn't to
6 bring back money or that kind of thing.

7 But later, when Mr. Jarvis needed help
8 with things quickly, then those roles kind of
9 transformed a little bit. Donald Trujillo's primary
10 role was distributing bulk marijuana, but was then
11 also transitioning to transporting bulk US currency
12 that were drug proceeds as well.

13 Q. So tell me, in terms of distribution
14 versus transporting currency, what was George
15 Osgood's role?

16 A. As I stated before, to my knowledge,
17 Mr. Osgood's role was a cell head in Connecticut and
18 New York that accepted bulk marijuana, distributed
19 it there and then funneled money back to the Dana
20 Jarvis organization through certain individuals.

21 Q. Which individuals?

22 A. Primarily Alex, but there were other money
23 couriers as well.

24 Q. Who's that?

25 A. I don't know if Dakota Fitzner went to New

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1 York or not. But Dakota Fitzner was a money
2 courier, Barbara Hanna, Willow Adams. There were
3 several.

4 Q. Isn't it true that Mr. Jarvis, Dana
5 Jarvis, kept these groups separate, the people that
6 delivered marijuana versus people that received the
7 cash or the currency?

8 A. He pretty much separated people's roles so
9 no one person would know the overall scope of the
10 drug organization.

11 Q. So it's fair to say that many people in
12 this alleged overarching conspiracy didn't even know
13 each other?

14 A. That's correct.

15 Q. And part of the group would deliver by
16 land, and part of the group would deliver by
17 airplane, and they didn't know each other?

18 A. Well, actually it was primarily by land.
19 That's by vehicle. That was the way that the bulk
20 marijuana was distributed throughout the United
21 States until right near 2004, 2005.

22 That's when they transitioned to moving
23 bulk marijuana by airplane. You know, it was
24 somewhat by ground, somewhat by air. But it wasn't
25 until the very end that it went by air.

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1 Q. So it's fair to say that a lot of the
2 people who were in this alleged conspiracy that were
3 doing the transporting by land never knew the people
4 that were transporting by airplane later on in 2004,
5 2005?

6 A. Not necessarily. Because for instance,
7 Salvador Abeyta, who was a bulk marijuana
8 transporter for the Jarvis organization, was in
9 Tucson, Arizona, when they loaded bags. Salvador --
10 Sam Jones was a bulk marijuana courier for the
11 Jarvis organization at times. He was there, loading
12 those bags. Ayla Jarvis was there, loading those
13 bags.

14 So there were people that knew about
15 transporting by ground that then later discovered
16 they were transporting by air.

17 Q. But Mr. Osgood never was in Mr. Reid's
18 plane or never did any air courier that you know of;
19 is that correct?

20 A. I know that the plane flew to Connecticut
21 to pick up bulk cash. And to my knowledge, I don't
22 believe Mr. Osgood was ever aboard Mr. Jarvis'
23 aircraft.

24 I believe there were conversations about
25 trying to arrange flights aboard the aircraft, but I

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1 don't know if they ever took place.

2 Q. Okay. Can you describe the DEA's
3 investigation in place prewiretap in Tucson?

4 MR. BRAUN: Objection, relevance.

5 MS. SIRIGNANO: It was already brought up
6 on direct, Your Honor. And it was the initiation of
7 this case, and it's relevant to the investigation.

8 THE COURT: Any further response?

9 MR. BRAUN: I just asked Agent Stark to
10 begin with when his investigation began. Details
11 about the investigation aren't relevant to the facts
12 that the witnesses would testify to establishing the
13 existence of the conspiracy, which is why we're here
14 today.

15 MS. SIRIGNANO: Agent Stark did talk about
16 S.A. Hella and information that he received from
17 S.A. Hella. And that information goes directly to
18 how the conspiracy was established and who was part
19 of that conspiracy.

20 THE COURT: All right, I'll allow the
21 question.

22 MS. SIRIGNANO: Do you need me to repeat
23 it?

24 THE WITNESS: No.

25 A. As stated previously, my partner currently

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1 here on this case, Special Agent Hella, was at the
2 time stationed in Tucson, Arizona. And to my
3 knowledge, she got some information about the Jarvis
4 drug trafficking organization and passed that
5 information to me.

6 I'm not sure that they ever opened an
7 official case in Tucson until we from New Mexico
8 started feeding the Tucson office information
9 regarding Dana Jarvis years later.

10 Q. (By Ms. Sirignano) What year did they open
11 up an investigation in Tucson?

12 A. I don't think they ever did. Oh. Do you
13 mean the investigation with our information from New
14 Mexico?

15 Q. Yes.

16 A. I don't know. But I suspect that it was
17 around the time of the initiation of the wiretaps.

18 Q. And who was S.A. Hella getting the
19 information about the Jarvis drug trafficking
20 information from?

21 MR. BRAUN: Objection, relevance. This
22 goes to a confidential source that's not relevant to
23 this hearing.

24 MS. SIRIGNANO: Well, is the confidential
25 source a member of the conspiracy?

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1 THE COURT: Are you rephrasing the
2 question?

3 MS. SIRIGNANO: I can rephrase it. If the
4 identity -- well, let me rephrase it.

5 Q. (By Ms. Sirignano) Is the confidential
6 source that S.A. Hella got information from part of
7 the Jarvis drug trafficking organization?

8 MR. BRAUN: Objection, relevance. We're
9 here to talk about witnesses who are going to
10 testify at trial, not sources of information that
11 started the investigation.

12 MS. SIRIGNANO: And Your Honor, my
13 statement would be that if this confidential
14 informant was part of the drug trafficking
15 organization, then he is a possible co-conspirator.
16 And whether or not he testifies at trial, it doesn't
17 matter, especially since he's part of the drug
18 trafficking organization and he's feeding
19 information to the agents to develop this
20 overarching conspiracy.

21 And so all I'm asking is whether or not
22 he's part of the drug trafficking organization
23 that's relevant to this hearing.

24 THE COURT: Anything further, Mr. Braun?

25 MR. BRAUN: No, Your Honor.

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1 THE COURT: All right. The objection is
2 sustained.

3 Q. (By Ms. Sirignano) So for clarification,
4 Agent Stark, did Tucson have an open investigation
5 prewiretap in Tucson?

6 A. I don't know the exact date that they
7 opened their case. It could have been right after
8 the wiretap was initiated; it could have been just
9 prior to.

10 Q. Were there any wiretaps in Houston that
11 were fed into this case, any statements from any
12 wiretaps in Houston that were fed into this case?

13 A. What does Houston have to do with it?

14 Q. I'm sorry, Tucson. I apologize. Tucson.

15 A. No, not to my knowledge.

16 Q. Okay.

17 MS. SIRIGNANO: May I have a moment, Your
18 Honor?

19 THE COURT: Yes.

20 MS. SIRIGNANO: Okay, just the last few
21 questions here.

22 Q. (By Ms. Sirignano) You testified about a
23 wiretapped call between Mr. Osgood and Dana Jarvis
24 about 30 pages. Can you explain this call?

25 A. Yes. Mr. Jarvis was speaking to

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1 Mr. Osgood. And that was a code that they used to
2 describe their paperwork that was the bulk cash.

3 And paraphrasing, because I don't have the
4 call in front of me, but Mr. Osgood stated that he
5 had 30 pages collected. And so that means \$30,000.

6 Q. Okay. How do you know that 30 pages means
7 \$30,000?

8 A. From cooperating defendant witnesses, from
9 listening to the wiretap investigation and
10 discovering that that was their code for money.

11 Q. And isn't it true that the DEA doesn't
12 know if \$30,000 was collected or not?

13 A. I'm not quite sure what you're asking.

14 Q. Does the DEA have proof that \$30,000 was
15 collected by Mr. Osgood on behalf of Mr. Jarvis
16 during the time of this call?

17 A. I don't know. I don't think we had a
18 seizure.

19 Q. You don't think you had a seizure?

20 A. No.

21 Q. This statement was, "Well, what's
22 happening is that I have to wait until Monday
23 anyhow. And then he'll have, I think he said, about
24 30 pages done."

25 A. And I believe that was in April. And

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1 Mr. Osgood flew aboard a commercial airliner, I
2 believe prior to that, to Hartford, Connecticut.

3 That conversation took place a short time
4 thereafter. He initially flew to Albuquerque and
5 went to George Ripley's residence. I actually
6 observed him at Mr. Ripley's residence that evening.

7 And then Mr. Ripley testified that he said
8 he had to go see Cathy Fitzgerald about something.
9 And Mr. Ripley's assumption was that because Cathy
10 accepted money on behalf of the Jarvis organization,
11 that he was bringing money back to Mr. Jarvis
12 through Cathy Fitzgerald.

13 Q. And where was Mr. Osgood when this call
14 happened, back East?

15 A. Back East is my assumption. I don't know
16 if we had -- I'd have to review the phone number and
17 everything else.

18 But he had flown out, I think, just prior
19 to that and landed in Hartford, Connecticut. So my
20 understanding was that he was in the state of
21 Connecticut or New York.

22 Q. And did the DEA do any surveillance on him
23 while he was in Connecticut or New York?

24 A. No.

25 Q. So you have no evidence that 30 pages or

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1 \$30,000 was picked up wherever Mr. Osgood was at
2 that time?

3 A. We don't have any actual surveillance
4 evidence, no.

5 Q. What other evidence do you have that that
6 transaction occurred?

7 A. What I testified to earlier, the phone
8 conversations, the surveillance, him coming back and
9 meeting with members of the Jarvis drug trafficking
10 organization and cooperating defendant witness
11 statements.

12 Q. But you never saw the \$30,000?

13 A. No, ma'am.

14 Q. You never picked up 30,000 from George
15 Ripley or Cathy Fitzgerald or anybody else like
16 that?

17 A. No, ma'am.

18 Q. Okay.

19 MS. SIRIGNANO: I think that's all I have,
20 Your Honor. Thank you.

21 MR. NASH: If I may, Your Honor, there's
22 one brief area that I forgot to address. I spoke
23 with Mr. Braun and Mr. Stark about it during the
24 break, and they have no problem with me doing it
25 now, subject to the Court's approval.

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1 THE COURT: All right. You may proceed.

2 MR. NASH: Thank you.

3 FURTHER CROSS-EXAMINATION

4 BY MR. NASH:

5 Q. Sir, I want to focus on cash and money
6 seizures during two periods that we've talked about.
7 The first is -- let's go to 2002, when you opened
8 you case on this, to March of 2005, when the wire
9 goes out. You told us about a pretty carefully
10 orchestrated organization that resulted in the
11 seizure of money from Ayla Jarvis.

12 A. That's correct.

13 Q. Were there any other seizures of cash or
14 of drugs that are related to this case during that
15 period?

16 A. Before the wiretap investigation in 2005,
17 we seized the money from Ayla Jarvis. And we also
18 tied -- we had no direction in this. It was after
19 the fact that we tied a \$400,000 bulk currency
20 seizure from Cara Gold and Jude Austin.

21 And I might have to review the dates. It
22 was, I believe, December 2002, maybe 2003. I'd have
23 to check when they were stopped. But we tied that
24 to the Jarvis organization as well.

25 Q. That would be likely the other cash

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1 seizure in '90 or '92 that a retrospective
2 investigation brought within this?

3 A. That's correct.

4 Q. But there were no actual other seizures
5 during that period?

6 A. No, sir.

7 Q. Let's move ahead to period number two,
8 which is postinitiation of the wire until the time
9 of indictment.

10 You talked about the July Russell Trujillo
11 seizure that was half of a load involving Ayla and
12 also, I believe, a May 20th, '05, seizure in
13 Nebraska, Donald Trujillo.

14 The Jarvis seizure -- the Russell
15 Trujillo, excuse me, would have been again an
16 orchestrated operation that was spinning off of this
17 investigation. You told us that Donald Trujillo was
18 a standalone fluke, basically?

19 A. Yes. We have no knowledge of that.

20 Q. Were there any other seizures of drugs or
21 money during that second period?

22 A. There was a small amount of marijuana
23 seized from Manuel Gil, and I don't remember the
24 date. There was also approximately \$237,000 in bulk
25 US currency seized from Geno Berthod in the state of

1 Colorado.

2 Q. Anything else?

3 A. Not that I can remember at this time.

4 Q. And you and I talked about what my
5 questions would be before we broke. And I presume
6 the new information comes from reviewing your memory
7 and/or notes, and I appreciate that.

8 Let me ask you a couple of brief questions
9 about those two new things you just told me about.
10 The small amount of marijuana in the Guild case, was
11 that also a handoff? Was it a spinoff out of your
12 investigation?

13 A. It was a spinoff from our investigation.

14 Q. In 25 words or less, tell us how it spun
15 off.

16 A. We received information that Manuel Gil
17 was in Tucson, wrapping a load, per intercepted
18 telephone conversations, that he was on his way
19 back. And when he arrived in Albuquerque, a car
20 stop was performed, and they found a small amount of
21 marijuana in his vehicle.

22 Q. The same question, sir, about the \$237,000
23 cash seizure.

24 A. Pretty much the same thing. Intercepted
25 telephone conversations between Dana Jarvis and

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1 Donald Trujillo where Donald Trujillo was directed
2 to meet with the Old Man to pick up a massive check,
3 I think was the term.

4 Agents in Colorado were directed by me,
5 and they established surveillance on Mr. Berthod.
6 Then when he left town, they performed a car stop
7 and they found the bulk US currency inside his
8 vehicle.

9 MR. NASH: Thank you.

10 That's all I have, Your Honor.

11 THE COURT: All right. Redirect?

12 MR. BRAUN: I have no redirect, Your
13 Honor.

14 THE COURT: All right. Thank you for your
15 testimony today, Mr. Stark.

16 Mr. Braun, do you have anything else you
17 want to present?

18 MR. BRAUN: No, Your Honor. The
19 government would rest.

20 THE COURT: Is there anything that the
21 defense intends to present?

22 MS. SIRIGNANO: No, Your Honor. Thank
23 you.

24 MR. NASH: By way of evidence, no, ma'am.

25 MR. BLACKBURN: No, Your Honor.

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1 THE COURT: All right. Thank you.

2 Anything further?

3 MR. BRAUN: No, Your Honor. I think Agent
4 Stark's testimony speaks for itself as far as
5 establishing the existence of the conspiracy and
6 that these three defendants were members of that
7 conspiracy at least at some period of time.

8 MR. NASH: I have nothing further. We've
9 already talked about the limited parameters of this
10 hearing.

11 MR. BLACKBURN: I have nothing further,
12 Your Honor.

13 THE COURT: All right. Thank you. Well,
14 we'll be in recess. I will get you my decision in
15 the next couple of days.

16 MR. BRAUN: Thank you, Your Honor.

17 MR. NASH: Thank you.

18 (Court in recess at 2:06 p.m.)

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3 REPORTER'S CERTIFICATE

4 I, Paul Baca, Official Court Reporter for
5 the US District Court, District of New Mexico, do
6 hereby certify that I reported the foregoing
7 proceedings in stenographic shorthand and that the
8 foregoing pages are a true and correct transcript of
9 those proceedings and was reduced to printed form
10 under my direct supervision.

11 I FURTHER CERTIFY that I am neither
12 employed by nor related to any of the parties or
13 attorneys in this case and that I have no interest
14 in the final disposition of this case.

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